

## Index—Digest of Acts of The 1951 Ohio General Assembly

**ADOPTED CHILD** — no original birth certificate to be issued.

The decree of adoption and certified copy of the original birth certificate sent by the court to the department of health is not open to inspection except upon request of the adopting parents, child, or order of a court. The department of health must notify the local health district, where the original birth certificate was recorded, of the adoption, and instruct them to so mark the records. Thereafter no copy of the original birth certificate is to be issued except upon request by the department of health or the court decreeing the adoption. Upon request, the same form of birth certificate shall be issued as used in the case of a child born in wedlock. This certification of birth is prima facie evidence of the facts herein stated. [Amended Senate Bill No. 152, effective date September 10, 1951, OHIO GEN. CODE § 1261-55 (amended).]

**AGENCY AND POWERS OF ATTORNEY** — death of principal.

Persons authorized to act by or relying upon a written power of attorney or agency agreement relating to personal property may continue to act or rely upon the authority conferred by such instrument until they have received actual knowledge of the death of the principal, provided they act or rely prudently and in good faith. A report that the principal concerned is missing is not of itself an indication of the death of such principal. [Amended Senate Bill No. 54, effective date August 10, 1951.]

**ANTHONY WAYNE PARKWAY BOARD** — powers and duties.

The Anthony Wayne Parkway Board is authorized to request aid from any department, agency or bureau of the state in the development of the parkway district. The membership of the board is changed to include the director of natural resources in place of the conservation commissioner and the state forester. The latter two officers are now within the department of natural resources. [Amended House Bill No. 14, effective date July 10, 1951, OHIO GEN. CODE §§ 485-1, 485-2, 485-6 and 485-7 (amended).]

**APIARIES** — registration and regulation of.

The Act provides for the registration and inspection of apiaries, establishes the "bee inspection rotary fund," and prescribes certain penalties for violations of the regulatory provisions. [Amended House Bill No. 344, effective date September 7, 1951, OHIO GEN. CODE §§ 1164-1, 1167-1, 1167-2, 1167-3, 1167-4, and 1168-3 (enacted) and §§ 1164, 1168, 1169 and 1169-1 (amended).]

APPEAL from actions of administrative officers and boards is clarified.

Section 154-73 of the General Code providing for an appeal to the court of common pleas from an order of an administrative agency included no provision as to the scope of judicial review permissible to the court. The Supreme Court of Ohio, in *Farrand v. State Medical Board*, 151 Ohio St. 222 (1949), held that the word appeal, as used in the statute, did not authorize a trial *de novo* in the court of common pleas. The Court further intimated that the statute permitted only a determination of whether there had been, on the administrative level, a compliance with the applicable procedural requirements. The Act amends Section 154-73 to the effect that the court of common pleas may reverse, vacate or modify the administrative determination unless it finds upon consideration of the entire record and such other additional evidence as may have been admitted that the order is supported "by reliable, probative and substantial evidence and is in accordance with law." Thus, the power of the court to review an administrative order on its merits is clearly established, the scope of such review being limited by that level of judicial review known as the "substantial evidence based on the whole record" test. [Amended Senate Bill No. 118, effective date August 28, 1951, OHIO GEN. CODE § 154-73 (amended).]

ARBOR DAY — to be designated by governor when.

The last Friday of each April is to be designated by the governor as "Arbor Day." [Amended Senate Bill No. 134, effective date September 7, 1951, OHIO GEN. CODE § 4838-1a (enacted).]

ATTACHMENT of wages.

See Garnishment, this index.

BANKS — investment limitations of.

The Act provides that for the purposes of determining the amount which banks may invest within the limitation provided in Section 710-121 of the General Code, there is not to be included any bonds or other obligations listed in paragraphs (a), (c), (d) and (h) of Section 710-111 of the General Code or in the exceptions to the general provisions of Section 710-122 of the General Code or any loans or obligations required to be included under the general provisions of Section 710-122 of the General Code. [Amended House Bill No. 176, effective date September 11, 1951, OHIO GEN. CODE § 710-121 (amended).]

**BANKS** — national banks may convert to or consolidate with state banks.

The Act provides for the consolidation of or the transfer of assets and liabilities by a national bank and a state bank or a state bank and another state bank. In addition, it provides for the conversion of a national bank to a state bank. The provisions of repealed Section 710-86 of the General Code providing for the approval of the superintendent of banks, the notice to be given, and the rights of dissenting stockholders are substantially reenacted. [Amended Senate Bill No. 236, effective date September 11, 1951, OHIO GEN. CODE § 710-86 (repealed).]

**BANKS** may purchase parking facilities with approval of superintendent of banks.

A bank may purchase, lease, hold or convey such lands and buildings as in the opinion of the superintendent of banks are necessary to provide parking facilities in connection with the conduct of the bank's business. [Amended House Bill No. 160, effective date August 8, 1951, OHIO GEN. CODE § 710-108 (amended).]

**BLIND-DEAF PERSONS** — provisions for instruction are extended.

The Act authorizes the superintendent of the state school for the deaf to pay the expenses necessary for the instruction of blind-deaf children, who are residents of Ohio, in a suitable institution wherever situated. [Amended House Bill No. 599, effective date August 8, 1951, OHIO GEN. CODE § 154-56a (amended).]

**BLIND PERSON** — drivers must yield right of way to.

See Public thoroughfares, this index.

**BLIND PERSONS** — payments to.

The maximum monthly aid payments authorized to be paid by boards of county commissioners to the blind are increased from \$55 to \$60, but the income in excess of \$50 and other resources of the blind applicant must now be taken into consideration before such payments are made. The boards of county commissioners shall re-examine as to the qualification, eligibility and needs of persons on the blind lists at least once a year. Heretofore the requirement was once a quarter.

No payment will be made on funeral expenses if they exceed \$180, which is a reduction from the former figure of \$200.

A certificate evidencing impaired vision will be accepted from an optometrist as well as from a registered doctor skilled in diseases of the eye.

The fee which may be paid to a doctor for an examination to

procure evidence additional to that furnished by the certificate of the doctor or optometrist making the application examination is increased from \$5 to \$10.

The provisions for reimbursement of counties by the state for monthly payments and funeral expenses are modified. [Amended Senate Bill No. 144, effective date September 7, 1951, OHIO GEN. CODE §§ 2965-1, 2967, 2967-1, 2967-2, 2968, 2968-1 and 2968-3 (amended).]

**BONDS** — time for refunding by subdivision extended.

The taxing authority of any subdivision, with the approval of the board of tax appeals, may refund up to 40% of any of its outstanding bonds which have matured. The time prior to which the refund may be made is extended to December 31, 1953. [Amended Senate Bill No. 21, effective date June 20, 1951, OHIO GEN. CODE § 2293-5 (amended).]

**BRIBERY** of sports participants.

See criminal law, this index.

**BUILDING AND LOAN ASSOCIATIONS** — powers of.

The provisions of the Ohio General Code relating to the powers of state building and loan associations are modified to conform with the powers of federal savings and loan associations made available by the United States Code, Title 12 § 1464. [Amended House Bill No. 368, effective date August 10, 1951, OHIO GEN. CODE §§ 9646-5, 9655, 9656, 9657 and 9662 (amended).]

**BUILDING AND LOAN ASSOCIATIONS** — records and reports.

Building and loan associations must make two financial reports yearly. The report for the last half of the calendar year must be the annual statement. The superintendent of building and loan associations may at any time require any association to submit a report concerning its real estate and other assets. He may prescribe a form of accounting or other records used by any association and may require an annual audit by accountants not employed by such association. The superintendent may prescribe a schedule for the destruction of records and papers which need not be preserved. An association may substitute a photographic copy for any of its documents and records except securities and investments, or payment or withdrawal slips until six years after date. The form of the required reports set out above must be as prescribed by the superintendent. The annual financial statement must be published and a copy must be available for inspection at the association's place of business. [Amended House Bill No. 324, effective date July 30, 1951, OHIO GEN. CODE §§ 682 and 683 (amended).]

**BUILDING REGULATIONS** — amendments to State Building Code.

The Ohio State Building Code (OHIO GEN. CODE §§ 12600-1 through 12600-282) was originally enacted in 1910. Prior to the 1951 amendments the code applied to theaters and assembly halls and to school buildings. The amendments add a new class, assembly halls built in connection with school buildings, lay down a number of specific fire protection and other safety requirements as to the new class and modify various detailed requirements of the code. A significant feature is the free use of the device of incorporation by reference of existing codes and standards of various unofficial organizations. No change was made in the law, dating from 1923, which established the board of building standards in the department of industrial relations and empowered the board to determine equivalents to materials, devices and so on, required by statute. OHIO GEN. CODE §§ 12600-284 through 12600-299. [Amended House Bill No. 484, effective date June 1, 1951. OHIO GEN. CODE §§ 12600-1 through 12600-5, 12600-9 through 12600-15, 12600-21 through 12600-24, 12600-30, 12600-31, 12600-35, 12600-37, 12600-39, 12600-42, 12600-43, 12600-46 through 12600-50, 12600-52, 12600-54 through 12600-57, 12600-59, 12600-61, 12600-63 through 12600-65, 12600-67, 12600-69 and 12600-78 (amended); and §§ 12600-1a, 12600-1b, 12600-3a, 12600-5a, 12600-6a, 12600-7a, 12600-8a, 12600-32a, 12600-48a, 12600-54a, 12600-73a, 12600-76a through 12600-76c, 12600-78a and 12600-134a (enacted).]

**CERTIFICATES OF ABATEMENT** — use in payment of taxes broadened.

Certificates of abatement, issued by the tax commissioner as a result of the overpayment of a tax, formerly could be tendered as payment of any tax of the same kind as the tax out of which the overpayment arose. The certificate of abatement may now be tendered as payment of any tax payable to the state treasurer to the credit of the general fund except as provided in Sections 5412-1 and 5414-6 of the General Code. [Amended House Bill No. 105, effective date August 4, 1951, OHIO GEN. CODE §§ 1464-3, 5412-1 and 5414-6 (amended).]

**CHILD WELFARE** — county may have special elections to submit additional tax levies for child welfare purposes.

The board of county commissioners of any county by a vote of two-thirds of its members may declare that the amount of taxes which may be raised within the ten-mill limitation is inadequate to provide proper child welfare services. If so declared before September 15 of any year, the levy for child welfare services may be increased providing a majority of the electors voting on the levy

vote in favor of it. The total levy for this purpose must not exceed sixty-five one-hundredths of a mill. [Amended Senate Bill No. 235, effective date September 7, 1951, OHIO GEN. CODE § 5625-15c (enacted).]

**CHILD WELFARE BOARD, EXECUTIVE SECRETARY OF** — appropriations for expenses allowed.

Authorization is given boards of county commissioners to appropriate from the general fund of the county a fund for the necessary expenses of the executive secretary of the child welfare board. This fund must not exceed one-half his salary. The executive secretary must file with the county auditor an annual report as to the disposition of such fund and remit all unexpended residue. [Amended House Bill No. 83, effective date September 8, 1951, OHIO GEN. CODE § 3070-36 (amended).]

**CHILDREN** — institution for crippled and deformed.

The following sections, which established an institution for the treatment and education of crippled and deformed children have been repealed. [Amended Senate Bill No. 271, effective date September 10, 1951, OHIO GEN. CODE §§ 1352-11, 2073, 2074, 2075, 2076, 2077, 2079, 2080, 2081 and 2082 (repealed).]

**CLERKS OF COURT** may keep the record in photographic form.

The number of books required to be kept by the clerks of common pleas courts has been reduced from five to four. These four are the appearance docket, trial docket, journal and execution docket. The record must be kept in book form or by any method of photographic reproduction that meets the minimum standards of the National Bureau of Standards. [Amended House Bill No. 84, effective date August 4, 1951, OHIO GEN. CODE § 2878 (amended).]

**COMMERCIAL FISHING** — fees for licenses are changed.

The chief of the division of wild life has the power to refuse to issue or renew any commercial fishing license upon proof of violation of any of the provisions of the Act. The fees for licenses for each season are: each row boat used in fishing with trot lines, \$4 (non-residents, \$10); each row boat used in fishing with gill or bar nets, \$20 (non-residents, \$40); each sailboat used in fishing with gill or bar nets, \$20 (non-residents, \$80); each power boat of five gross tons or less used in fishing with gill or bar nets, \$40; each power boat over five gross tons and steamboats used in fishing with gill nets, \$60; each non-resident power boat of ten gross tons or less used in fishing with gill nets, \$160, or with bar nets, \$80; each

non-resident power boat over ten and including fifteen gross tons used in fishing with gill nets, \$240, over fifteen tons, \$320; each seine, \$.14½ per rod, with a minimum of \$10 each season (non-residents \$.15 per rod, with a minimum of \$20); each pound net, \$8 (non-residents, \$40); and all other nets and devices \$4, (non-residents, \$20). [Amended House Bill No. 172, effective date September 1, 1951, OHIO GEN. CODE § 1423 (amended).]

**CONDITIONAL SALES** — property excepted from tender back provision.

Whenever a conditional vendor repossesses property sold to the conditional vendee, he is required to tender or refund the money paid for the property after deducting a reasonable amount for the use of the property. This Act excepts property having a contract price of five thousand dollars or more from this provision. [Amended Senate Bill No. 226, effective date September 7, 1951. OHIO GEN. CODE § 8570 (amended).]

**CONGRESSIONAL REDISTRICTING** is enacted.

The state of Ohio is redistricted for the purpose of election of representatives to Congress. The major changes are:

- (1) Third District — Preble county removed.
- (2) Fourth District — Preble county added.
- (3) Fifth District — Ottawa and Wood counties added.
- (4) Sixth District — Fayette, Pickaway and Ross counties added.
- (5) Seventh District — Fayette county removed.
- (6) Eighth District — Seneca county added.
- (7) Ninth District — Ottawa county removed.
- (8) Tenth District — Fairfield and Hocking counties removed.
- (9) Eleventh District — Now consists of Ashtabula, Geauga, Lake, Portage and part of Trumbull counties.
- (10) Thirteenth District — Lorain county added, Seneca and Wood counties removed.
- (11) Fourteenth District — Lorain and Portage counties removed.
- (12) Fifteenth District — Perry county added.
- (13) Sixteenth District — Holmes county removed.
- (14) Seventeenth District — Holmes county added.
- (15) Nineteenth District — Ashtabula and part of Trumbull counties removed.
- (16) Twenty-second District — Now consists of a portion of the city of Cleveland and certain adjoining municipalities; Geauga and Lake counties removed.

(17) Twenty-third District—A newly created district, consisting of that portion of Cuyahoga county other than those parts included in the Twentieth, Twenty-first, and Twenty-second Districts. The office of Representative to Congress-at-large is abolished. [Amended Substitute House Bill No. 16, effective date September 17, 1951, OHIO GEN. CODE § 4828 (enacted) and § 4828-1 (repealed).]

CONSTABLES—appointment of by township trustees.

Whenever the appointment of a constable becomes necessary under the provisions of Section 3331 of the General Code, and there is no justice of the peace in the township, the township trustees may make the appointment. The trustees may also designate any qualified persons as police constables. [Amended House Bill No. 362, effective date September 7, 1951, OHIO GEN. CODE §§ 3331 and 3348 (amended).]

CORPORATIONS—types not subject to the foreign corporation act clarified.

Among the corporations excluded from the operation of the foreign corporation act are those engaged in Ohio solely in interstate commerce, including the installation, demonstration and repair of machinery and equipment sold in interstate commerce. [Amended House Bill No. 438, effective date September 8, 1951, OHIO GEN. CODE § 8625-3 (amended).]

COSTS—court may require security.

A common pleas court may require an advance deposit for the filing of any civil action and may require it to be increased on motion of the defendant if satisfied that such deposit is insufficient to secure the costs. However, if a plaintiff files an affidavit of inability to prepay or give security for costs, the clerk must receive and file the petition. [Amended Substitute House Bill No. 237, effective date September 7, 1951, OHIO GEN. CODE § 11615 (amended); § 11981 (repealed).]

COSTS—when plaintiffs must give security for.

In all actions in which the plaintiff is non-resident of the county, a partnership suing by its company name, an insolvent corporation or parties required to furnish security under Section 11615 of the General Code, the plaintiff is required to deposit cash or furnish security for costs. The surety must be a resident of the county and approved by the clerk. However, if a plaintiff files an affidavit of inability to give security or a cash deposit, the clerk must receive and file the petition. [Substitute House Bill No. 236,



effective date September 7, 1951, OHIO GEN. CODE § 11614 (amended).]

COUNTIES may exceed ten-mill limitation for support of tuberculosis patients.

The Act empowers a county, where the general fund appropriations are inadequate, to exceed the ten-mill limitation for the care, treatment and maintenance of residents of the county who are suffering from tuberculosis at hospitals with which the county commissioners have contracted pursuant to the authority granted in Section 3139 of the General Code. The power previously extended only to the support of tuberculosis hospitals. [Amended House Bill No. 570, effective date September 13, 1951, OHIO GEN. CODE § 5625-15a (amended).]

COUNTY BUILDING COMMISSIONS — appointment and compensation of members.

Section 2333 of the General Code requires a county building commission when the county engages in construction covered by the section. This commission consists of the county commissioners and four appointed electors. This Act makes permissive the appointment of the latter.

In the event such appointees are selected to serve on the commission, their compensation in the aggregate is not to exceed eight thousand dollars. [Amended Senate Bill No. 242, effective date August 22, 1951, OHIO GEN. CODE §§ 2333 and 2334 (amended).]

COUNTY COMMISSIONERS may contract for engineering services.

The authority of the board of county commissioners to employ competent engineers, upon the request of the county engineer, is broadened to allow the board to execute contracts for engineering services with any person, firm or partnership qualified to perform such services in Ohio. The board is not required to comply with Sections 2352 and 6945 of the General Code which provide for the submission of bids after publication and notice. [Amended Senate Bill No. 223, effective date September 7, 1951, OHIO GEN. CODE § 2411 (amended).]

COUNTY COMMISSIONERS may issue general obligation bonds to finance garbage disposal districts.

See Garbage disposal districts, this index.

COUNTY HOSPITALS — operation of.

The Act provides for numerous changes in the laws governing the appointment, powers, and duties of boards of county hospital

trustees and the operation of county hospitals. [Amended Substitute House Bill No. 392, effective date June 13, 1951, OHIO GEN. CODE §§ 3137-1, 3137-2, 3137-3 and 5625-15c (enacted); §§ 3131, 3132, 3134 and 3137 (amended); and § 3136 (repealed).]

COUNTY RECORDER — fees charged by are charged.

See Recording fees, this index.

COUNTY ROADS — use of prison labor to repair.

This Act repeals seventeen sections of the General Code providing for the use of prison labor to repair and build county roads which have been deemed antiquated and ineffective. [House Bill No. 220, effective date July 30, 1951, OHIO GEN. CODE §§ 7498, 7499, 7500, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512, 7513 and 7514 (repealed).]

COUNTY ROADS — when competitive bidding is required.

Township trustees may maintain and repair county roads by contract or force account. If they proceed by contract and the amount involved exceeds six hundred dollars, they must let the contract go to the lowest responsible bidder after the required advertisement for bids. In the event the trustees proceed by force account, and the total estimate cost of the work exceeds three thousand dollars per mile they must receive competitive bids. Heretofore these amounts were two hundred and one thousand dollars respectively. [Amended Senate Bill No. 239 effective date September 7, 1951, OHIO GEN. CODE § 3373 (amended).]

COURT CONSTABLES' salaries are increased.

The maximum salary which may be paid to a court constable in counties where four or more judges regularly hold court is increased to \$4,000 per year, in counties where two and not more than three judges hold court it is increased to \$2,500 per year, and in counties where only one judge holds court it is increased to \$1,800 per year. Provisions for extra compensation for added duties are retained. [Amended House Bill No. 29, effective date September 7, 1951, OHIO GEN. CODE § 1693 (amended).]

COURT INVESTIGATIONS — results of may be examined by parties.

See Evidence, this index.

COURT RECORDS may be kept in photographic form.

See Clerks of court, this index.

COURT REPORTER may be commissioned as a notary public.

See Notaries public, this index.

COURT REPORTERS — limitation on number of assistants is removed.

The present limitation of twelve assistant shorthand reporters is removed so that a court of common pleas may appoint as many as the business of the court may require. [Amended House Bill No. 54, effective date May 31, 1951, OHIO GEN. CODE § 1547 (amended).]

COURTS — judge's power to issue search warrant.

See Search warrants, this index.

COURTS — power to order mental examination of convicted persons is extended.

See Mentally deficient persons, this index.

CRIMINAL IDENTIFICATION, BUREAU OF — location is changed.

The location of the bureau of criminal identification is changed from Columbus, Ohio, to the London prison farm. [Amended House Bill No. 28, effective date September 7, 1951, OHIO GEN. CODE § 1841-13 (amended).]

CRIMINAL LAW — bribery of amateur or professional sports participants — penalty to be imposed.

Section 13182 of the General Code is amended to prohibit bribery of any person participating in or connected with any amateur or professional sport and to provide that violators may receive either the fine or the imprisonment, or both. Formerly the section made it mandatory that both the fine and the imprisonment be imposed. [Amended Senate Bill No. 200, effective date August 22, 1951, OHIO GEN. CODE § 13182 (amended).]

CRIMINAL LAW — conversion of grain or other farm produce.

The Act prescribes a specific penalty for the conversion, with or without fraudulent intent, of grain or other farm produce of the value of one thousand dollars or more. [Amended Substitute House Bill No. 517, effective date September 7, 1951, OHIO GEN. CODE §§ 12475-1 and 12475-2 (enacted).]

CRIMINAL LAW — new provisions against gambling are enacted.

The Act expressly excludes from the purview of Section 13066 of the General Code gambling devices or machines as defined in Sections 13066-1, 13063 and 13064 of the General Code. The latter sections deal with the operation and sale of slot machines and lotteries. The new sections make it unlawful to own, possess, exhibit, or knowingly transport any gambling device other than lotteries and games of chance as defined in Sections 13063 and 13064 of the General Code. The penalty for violating these sections is a fine of not more than \$5,000.00 and imprisonment in the penitentiary for

not less than one year nor more than five years. [Amended Substitute House Bill No. 115, effective date September 18, 1951, OHIO GEN. CODE §§ 13066-1, 13066-2, 13066-3 and 13066-4 (enacted) and § 13066 (amended).]

**CRIMINAL LAW** — penalty for tampering with election ballots increased.

See Elections, this index.

**CRIMINAL LAW** — value required to distinguish certain felonies from misdemeanors is increased.

In certain sections of the criminal code the pecuniary division between a misdemeanor and a felony is increased from thirty-five to sixty dollars. The maximum fine for a misdemeanor is increased from two hundred to three hundred dollars, and the maximum imprisonment for a misdemeanor is increased from thirty to ninety days. [Amended Substitute House Bill No. 309, effective date September 10, 1951, OHIO GEN. CODE §§ 12447, 12447-1, 12450, 12455, 12460, 12467, 12469, 12471, 12476-1, 12478, 12876, 12877, 13104, 13105, 13105-1, 13133 and 13144 (amended).]

**DECEDENTS' ESTATES** — amount of wages payable without administration increased.

The Act increases from \$150.00 to \$300.00 the amount of wages an employer may pay to the surviving spouse, children over eighteen years of age, or parents of a deceased employee before letters of administration have been issued upon the employee's estate. [Amended Senate Bill No. 35, effective date July 10, 1951, OHIO GEN. CODE § 10509-5a (amended).]

**DIRECTORS, INTERLOCKING.**

See Insurance companies, this index.

**DOG QUARANTINE** — duty owed by owner, keeper, or harborer of dog.

Whenever a dog quarantine is declared in a health district, the obligation of confining a dog is extended from the owner of the dog to include the keeper or harborer of such dog. [Amended Senate Bill No. 329, effective date September 8, 1951, OHIO GEN. CODE § 5652-16 (amended).]

**EDUCATION, BOARDS OF** — notice to be given a teacher not to be re-employed.

Whenever a board of education decides not to re-employ a school teacher employed under a limited contract, they must give

such teacher written notice on or before the 30th day of April or 30 days prior to the termination of such teacher's school year, whichever date is the earlier. [Amended Senate Bill No. 29, effective date August 24, 1951, OHIO GEN. CODE § 4842-8 (amended).]

**EDUCATION, BOARDS OF** — procedures for bidding and letting of contracts and the sale of real or personal property — pecuniary limits raised.

This Act raises from \$300.00 to \$600.00 the maximum value of real or personal property that a board of education may sell without offering it at public auction. The sections amended by this Act also except from such requirement real estate not sold after twice being offered at public auction, real estate sold to a municipality or public library, and motor vehicles traded in the purchase of other motor vehicles. The last of these exceptions is added by the provisions of this Act.

The maximum cost of construction, repair or furnishing of school buildings for which a board of education can contract, without competitive bidding as provided for in Section 4834-18 of the General Code, is raised from \$3000.00 to \$6000.00 in city districts and from \$1000.00 to \$4000.00 in other districts. [Amended Senate Bill No. 46, effective date July 18, 1951, OHIO GEN. CODE §§ 4843-13 and 4834-18 (amended).]

**EDUCATION, BOARDS OF** — procedure for filling vacancies is changed.

A vacancy in any board of education must be filled by the board at its next regular or special meeting. A majority vote of all the remaining members of the board may fill such a vacancy until the next regular municipal election at which time a member must be elected to serve the unexpired term. Previously, the person elected by the remaining members of the board served the entire unexpired term. [Amended House Bill No. 500, effective date September 7, 1951, OHIO GEN. CODE § 4832-10 (amended).]

**ELECTION LAWS** are amended.

Amended Substitute Senate Bill No. 269 makes numerous changes in four chapters of Title XIV, Election Laws of the Ohio General Code. The four chapters affected are: Supervision of Elections, Registration, Primaries and Nominations, and Ballots and Voting Machines. Legislative alterations in the first two chapters are minor in both extent and general significance; for the most part they concern the compensation of election officials and the periods open for voter registration. Extensive changes in the other two chapters include alterations of major importance. Two wholly new sections, Sections 4785-80b and 4785-101a, legislate as to the effect

of the death of primary candidates and judicial candidates not standing at the next general election. Section 4785-94, treating the related problem of procedure where vacancies are created by withdrawal of party nominees, is considerably revised. By Section 4785-74, which is entirely rewritten, delegates to state party conventions are no longer to be elected at the primary; the party candidates selected at the primary are now designated as the convention delegates. Changes in several sections are designed to adapt them to the office-type ballot required by recent constitutional amendment. For this purpose Sections 4785-99 and 4785-107 are completely rewritten, while Section 4785-105 is less substantially altered. Changes in the type of presidential ballot, as affected by Subsection 107, in turn produce a revision in the voting-machine requirements which are set out by Section 4785-161c. Remaining changes in these same two chapters are essentially technical in character, largely concerned with the design, content, rotation, marking, voting, and counting of ballots. [Amended Substitute Senate Bill No. 269, effective date January 1, 1952, OHIO GEN. CODE §§ 4785-80b and 4785-101a (enacted); §§ 4785-15, 4785-16, 4785-18, 4785-25b, 4785-25d, 4785-28, 4785-36, 4785-37, 4785-39, 4785-40, 4785-51, 4785-69, 4785-70a, 4785-74, 4785-84, 4785-86, 4785-90, 4785-90a, 4785-91, 4785-92, 4785-94, 4785-99, 4785-101, 4785-103, 4785-105, 4785-107, 4785-131, 4785-140, 4785-143, 4785-153, 4785-155, 4785-156, 4785-157, 4785-161c and 4785-161e (amended); and §§ 4785-19, 4785-77a and 4785-102 (repealed).]

**ELECTIONS** — penalty for tampering with ballots increased.

The penalty for tampering with ballots is changed from a fine of not less than one hundred nor more than one thousand dollars, or imprisonment for a period of not less than three months nor more than three years, or both, to a fine of not more than one thousand dollars, or imprisonment in the penitentiary for a period of not less than one year nor more than five years, or both. [Amended House Bill No. 573, effective date September 10, 1951, OHIO GEN. CODE § 4785-216 (amended).]

**EMINENT DOMAIN.**

See Highways, this index.

**EMPLOYEE BENEFIT PLANS** excluded from definition of investments for personal property tax purposes.

Retirement annuities or similar plans resulting from contracts of employment, stock-purchase plans and pension or profit-sharing plans established by an employer for the benefit of his employees or the employees of subsidiaries of an employer are excluded from

the definition of "investments" in Section 5323 of the General Code, which is the basis of the tax on individual investments. Because of the express exclusion in that section, the provision with reference to employees' stock subscription rights is excluded from Section 5327-1 of the General Code, defining "other taxable intangibles" and "other intangible property". [Amended Senate Bill No. 61, effective date August 8, 1951, OHIO GEN. CODE §§ 5323 and 5327-1 (amended).]

**EMPLOYEE BENEFITS** — trusts valid for any duration.

See Trusts, this index.

**EMPLOYMENT** — regulations affecting the hours of employment of females and minors are suspended.

Ohio General Code Sections 1008-1, 1008-2 and 12996, regulating the hours of employment and occupations of females and minors, are suspended until September 1, 1953, as a result of the national emergency. Temporary regulations, somewhat more lenient with respect to the employment of females and minors than those embodied in the suspended sections, are enacted.

Females may now operate taxis between 6:00 A.M. and 9:00 P.M., operate freight or baggage elevators where automatically or semi-automatically controlled, and may be employed in delivery service on vehicles under one ton capacity. The maximum number of hours which a female may work per week is increased from forty-five to forty-eight. Females over twenty-one years of age, employed to operate street cars, trolleys or motor coaches are now permitted to work and operate such vehicles for the same hours and periods as permitted by law for male operators.

Substantially the same restrictions as to age and hours of employment are placed on the employment of minor boys and girls. Previously, girls up to twenty-one years of age were considered minors for such purposes, while boys were considered such only up to the age of eighteen years. Minors are barred from employment in certain additional occupations. [Amended Senate Bill No. 232, effective date September 17, 1951, OHIO GEN. CODE §§ 1008-1, 1008-2 and 12996 (suspended until September 1, 1953).]

**ENGINEERING SERVICES** — county commissioners may contract for.

See County commissioners, this index.

**ENGINEERS AND SURVEYORS** — qualifications for registration as professional.

To qualify for registration as a professional engineer, one must

have graduated from an approved four year course and have four years of active practice and pass an examination, or have eight years of active practice satisfactory to the board and pass an examination, or the board may at its discretion issue a certificate of registration without written examination if a person has had 25 years of practice, is 50 years of age or more, and is recognized in the field. To qualify for registration as a professional surveyor one must have graduated from an approved four year course, have four years of active practice satisfactory to the board and pass an examination, or have eight years of active practice and pass an examination. An approved course in engineering is one which has been accredited by the Engineers' Council for Professional Development or one that has been approved by the board. [Amended Senate Bill No. 77, effective date September 7, 1951, OHIO GEN. CODE § 1083-13 (amended).]

**EVIDENCE** — parties are entitled to examine reports before court considers.

The results of any investigation made by a court incident to any court action must be made available for examination by the parties to the action or their attorneys before they can be submitted to the court for consideration. Notice of the availability of the report for examination by the parties or their attorneys must be given at least five days before the contents of any such report is brought to the attention of the court. [Amended Senate Bill No. 306, effective date September 8, 1951, OHIO GEN. CODE § 11521-1 (enacted).]

**FINANCIAL INSTITUTIONS** may remain closed on Mondays.

The financial institutions which have been afforded the privilege of remaining closed on Saturdays may now remain closed on any or all Saturdays or Mondays. [Senate Bill No. 164, effective date July 25, 1951, OHIO GEN. CODE § 5978-2 (amended).]

**FINANCIAL INSTITUTIONS** — taxable deposits exceptions extended.

Proceeds of loans credited to the borrower but not yet disbursed and advances by borrowers for the subsequent payment of specific obligations are expressly excepted from the deposits required to be returned by financial institutions for tax purposes. [Senate Bill No. 105, effective date August 22, 1951, OHIO GEN. CODE § 5406 (amended).]

**FIRE DEPARTMENTS** — establishment of certain positions is provided for.

In any municipality which has established or does establish either or both the positions of superintendent of buildings or super-



intendent of fire equipment, and appoints to those positions a uniformed member of its fire department, the member so appointed will not be subject to competitive examination. The member's status within the uniform ranks while serving in the assignment remains unchanged and he acquires no right to promotion other than those which apply to his rank at the time of assignment. [Amended Substitute House Bill No. 589, effective date September 10, 1951, OHIO GEN. CODE § 486-15c (enacted).]

**FIRE PROTECTION CONTRACTS** of local government units.

See Local government units, this index.

**FIREMEN AND POLICEMEN** — qualifications for original appointment amended.

See Policemen and firemen, this index.

**FIREMEN'S PENSION FUND** — right to elect benefits pursuant to Section 4612-4 of the General Code.

Qualified persons may now elect to receive pensions and benefits under Section 4612-4 of the General Code regardless of any election such persons may have made under Section 4614-1 of the General Code. [Amended House Bill No. 99, effective date September 14, 1951, OHIO GEN. CODE § 4614-1a (enacted).]

**FISHING** — regulation of.

The Act makes various changes in the laws governing the regulation of commercial fishing in Lake Erie. [Amended Substitute House Bill No. 655, effective date September 1, 1951, OHIO GEN. CODE § 1427-2 (enacted); §§ 1421, 1425, 1427, 1427-1 and 1454 (amended).]

**FOREIGN CORPORATION ACT** — penalties for doing business without a license are changed.

Any foreign corporation required to be licensed under the Act which does business in Ohio without being licensed or after its license has expired or been cancelled and has not been reinstated may be required, in an appropriate action, to pay a penalty of not less than \$250.00 nor more than \$10,000.00. The sanction previously consisted of a penalty of \$1000.00 and an additional \$500.00 for each month that the corporation continued to transact business in Ohio without being licensed.

In addition to the above penalty, the court in which the action is brought to recover the money must render judgment against the corporation for all the amounts it should have paid as a filing fee and annual franchise taxes plus interest thereon at the rate of six

per cent per annum for all the years it transacted business without a license. The court may, however, remit all or part of the penalty, for good cause shown.

Any officer of such a corporation who transacts business on its behalf may be imprisoned for a period not to exceed thirty days or fined less than \$100.00 nor more than \$1000.00, or both. The fine for such an act was previously not less than \$10.00 nor more than \$100.00. [Amended House Bill No. 619, effective date September 7, 1951, OHIO GEN. CODE § 8625-25 (amended).]

**FRATERNAL BENEFIT SOCIETIES** — examination and regulation of.

Section 9487 of the General Code and the provisions of Section 9486 relating to the power of the attorney general to commence an action to enjoin a domestic fraternal benefit society from carrying on its business are abolished. Section 9490 is amended to allow the revocation of the license of a foreign society if it is found that the society is conducting business in a manner hazardous to its members or the public. [Amended Senate Bill No. 303, effective date September 7, 1951, OHIO GEN. CODE §§ 9486 and 9490 (amended); § 9487 (repealed).]

**FRATERNAL SOCIETIES** — use of funds for expenses.

No part of the money collected for mortuary or disability purposes by fraternal societies may be used for expenses except in cases where assets are in excess of entire liabilities. In such cases the excess may be transferred to the insurance and welfare assistance expense funds. This amount cannot exceed 15% of the next preceding total annual assessment income. A waiver of mortuary or disability assessments followed by other assessments constitutes a transfer from mortuary or disability funds and is subject to the above restrictions. When assets exceed liabilities, the society is not required to maintain separate funds, and it may use its surplus for expenses authorized by law. No funds may be used for political purposes. [Amended Senate Bill No. 133, effective date September 7, 1951, OHIO GEN. CODE § 9472 (amended).]

**GAMBLING ESTABLISHMENTS** are made common nuisances.

Gambling establishments are made common nuisances and may be enjoined in an action brought in the name of the state and determined by the court as an action in equity. No bond is required in instituting the proceedings, or as a condition precedent to the issuance of any temporary injunction or restraining order. Violators of any such injunction, temporary or permanent, will be guilty of contempt and may be punished by a fine of not less than \$500.00 nor more than \$1,000.00, or imprisonment for a period of not less

than 30 days nor more than 12 months, or by both the fine and imprisonment. [Amended Substitute House Bill No. 371, effective date September 11, 1951, OHIO GEN. CODE §§ 13054-1 and 13054-2 (enacted).]

**GARBAGE COLLECTION AND DISPOSAL — contracts for.**

This Act authorizes township trustees to enter into contracts with county authorities for the collection and disposal of garbage and refuse. Formerly township trustees were only authorized to contract with municipalities or independent contractors. The board of county commissioners can also contract with boards of education to supply such services to the latter. [Amended Senate Bill No. 290, effective date September 11, 1951, OHIO GEN. CODE §§ 3295-1, 3295-2, 6600-1 and 6600-7 (amended).]

**GARBAGE DISPOSAL DISTRICTS can be financed by general obligation bonds.**

This amendment gives the board of county commissioners the power to issue general obligation bonds of the county to aid in the financing of garbage and waste disposal districts. Before this amendment any bonds issued for this purpose could not be secured by the general credit and taxing power of the county, but were required to be paid only from the revenues derived from the improvement. [Amended Senate Bill No. 278, effective date September 11, 1951, OHIO GEN. CODE §§ 6600-3 and 6600-6 (amended).]

**GARNISHMENT of personal earnings must be preceded by demand for non-exempt portion.**

A person seeking to garnish personal earnings must deliver a written demand to the debtor for the excess over and above the amount of the personal earnings of the debtor exempt from execution, attachment or sale before garnishment proceedings can be instigated in a court of common pleas. This conforms with Section 10272 of the General Code, which requires a similar demand prior to garnishment of personal earnings in a justice's court. [House Bill No. 209, effective date August 8, 1951, OHIO GEN. CODE § 11828-1 (enacted).]

**GENERAL CODE SECTIONS REPEALED.**

This Act repeals 116 sections of the General Code which are deemed to be obsolete, antiquated, redundant, duplications, or unconstitutional. [Amended Senate Bill No. 43, effective date August 15, 1951, OHIO GEN. CODE §§ 109-32, 154-46b, 154-46g, 154-48, 744-18, 744-21, 744-22, 1038-36, 1090-23, 1165-6, 1165-7, 1165-8, 1165-11, 1178-51, 1237-1, 1237-2, 1237-3, 1237-4, 1261-9, 1347-16, 1359-16a,

1694, 1919, 2209-23, 2377, 2630, 2631, 2777, 2780, 2856-6, 4209, 5904-20, 5927, 6859-3a, 6957, 6958, 6959, 6960, 6961, 6962, 6963, 6964, 75-33, 7535, 8323-10, 8509, 8509-16, 8549, 8624-70, 8922, 8923, 10509-83, 11912, 12223-7a, 12223-49, 12333, 12367, 12569, 12570, 12573, 12892, 12949 to 12953 inclusive, 13031-18, 13095, 13108-7, 13178, 13179, 13-394, 13394-1, 13394-2, 13394-3, 13394-4, 13404, 13405, 13406, 13421-21, 13426-1, 13434-9, 13436-30, 14624 to 14653 inclusive, 14978, 14979 and 14981 (repealed).]

GOVERNOR may remove certain public officers by filing a written complaint.

Proceedings for the removal of a sheriff, prosecuting attorney or mayor may be commenced by the governor by filing a written complaint in the common pleas court of the county in which the officer resides. A hearing must be had within 30 days after the filing of such complaint. A jury may be demanded in writing by the accused. If nine or more persons of the jury find any of the charges are true, the officer must be removed. The proceedings had by a judge upon such removal must be a matter of public record. Sections 4268 and 4269 of of the General Code relative to the removal of a mayor by the governor are repealed. [Amended Substitute House Bill No. 117, effective date August 21, 1951, OHIO GEN. CODE § 10-2 (amended); §§ 4268 and 4269 (repealed).]

HEALTH, BOARDS OF — reimbursement for travel outside the district.

A district board of health is authorized to reimburse an employee for his travel and per diem expenses incurred in approved travel outside the district. [Amended Senate Bill No. 192, effective date August 17, 1951, OHIO GEN. CODE § 1261-23 (enacted).]

HIGHWAY PATROL — pension system is changed.

The Act makes three changes in the state highway patrol pension fund: the limit of one dollar to be assessed each member annually for the administrative cost is discontinued; withdrawing members may recover their accumulated contributions less interest; and upon the death of a member before retirement, provision is made for payment to the member's dependents. [Amended House Bill No. 350, effective date September 11, 1951, OHIO GEN. CODE §§ 1185-12, 1185-15, 1185-20 and 1185-21 (amended).]

HIGHWAY PATROL — pesonnel increased.

The maximum number of highway patrolmen and radio men which may be appointed by the superintendent of the state highway patrol is increased from four hundred to six hundred fifty for patrolmen and from forty to eighty for radio men. [Amended

House Bill No. 407, effective date September 13, 1951, OHIO GEN. CODE § 1183 (amended).]

#### HIGHWAYS

State route number 4 is hereafter to be known as the "Wright Brothers Memorial Highway." [Amended House Bill No. 31, effective date July 5, 1951, OHIO GEN. CODE § 1180-13 (enacted).]

#### HIGHWAYS

State route number 124 is hereafter to be known as the "Governor Robert Lucas Highway." [Amended Senate Bill No. 190, effective date August 8, 1951, OHIO GEN. CODE § 1180-14 (enacted).]

#### HIGHWAYS — eminent domain.

The provisions of Ohio General Code Section 10093 relative to the acquisition by eminent domain of unused cemetery property for highway purposes is extended to include relocation projects and other highway improvements. The highway department is given authority to acquire such property by eminent domain, and a provision for appeal is granted to cemetery associations against which such actions are taken. [Amended Senate Bill No. 99, effective date May 16, 1951, OHIO GEN. CODE § 10093 (amended).]

#### HORSE MEAT — licensing and regulation of its processing and sale for human consumption.

No person shall operate any establishment or enterprise for the processing of horse meat for sale for human consumption unless licensed by the director of agriculture. To acquire or renew a license, the applicant or licensee must satisfy the regulations issued pursuant to this Act, which establishes standards of sanitation and wholesomeness required in the processing and sale of horse meat. A refusal to issue or renew, or a revocation of a license by the director must be preceded by a hearing with subsequent right of appeal in accordance with Sections 154-62 to 154-74 of the General Code, inclusive.

All horse meat offered for sale in any form for human food must be labeled as such along with the processor's name and must bear a state inspection stamp affixed by a state officer or by a district or municipal inspection service approved by the director of agriculture. The director is authorized to investigate all phases of the processing of horse meat and to secure and analyze specimens for the purpose of enforcement of this Act. He may, upon reasonable belief that any horse meat is adulterated, unfit for human food, misbranded, or unbranded, detain the meat. If further examination bears out his belief, the director shall petition a court

of competent jurisdiction for an order of condemnation. Any establishment serving food containing horse meat to the public must post in a conspicuous place a sign stating, "Horse Meat Used, Sold and Served Here."

The director may designate as an exempted inspection service any federal, district, or municipal inspection service which maintains standards at least as high as those established by this Act. No one under the jurisdiction of an exempted inspection service is subject to the provisions of this Act. Violators are subject to fine or imprisonment in the county jail or both. [Amended Senate Bill No. 280, effective date September 7, 1951, OHIO GEN. CODE §§ 1177-83, -84, -85, -86, -87, -88, -89, -90, -91, -92, -93, -94, -95, and -96 (enacted).]

**HOUSE TRAILER PARKS** — licensing and regulation of.

The public health council is empowered to make regulations of general applicability governing house trailer parks. Operators of house trailer parks must secure a license from and may be charged a fee therefore by the local board of health. Any person violating the provisions of this Act is subject to a fine not to exceed one hundred dollars or imprisonment not to exceed ninety days or both and in addition may have his license revoked or cancelled. [Amended House Bill No. 113, effective date August 8, 1951, OHIO GEN. CODE §§ 1235-1, 1235-2, 1235-3, 1235-4 and 1235-5 (enacted).]

**HOUSE TRAILERS** — fine for non-payment of taxes is increased.

See Taxation, this index.

**HOUSING** — temporary university housing extended.

The use of temporary dwellings by state supported universities, authorized by General Code Section 4863-6a, expiring on June 30, 1951, is extended to June 30, 1956. [Amended Senate Bill No. 262, effective date May 18, 1951, OHIO GEN. CODE § 4863-6a (amended).]

**INJUNCTION** may be obtained to prevent or terminate violations of certain city ordinances.

It is unlawful to construct, repair, alter, or maintain any residential building or other structure, within any municipality, unless the ordinances or regulations enacted pursuant to Ohio General Code Sections 3636 to 3639 inclusive, and Sections 4366-7 to 4366-11 inclusive, or Section 3 of Article XVIII of the Ohio Constitution have been complied with. The municipal corporation or the owner of any contiguous or neighboring property who would be especially damaged can maintain a suit for injunction to prevent or terminate such a violation. [Amended House Bill No. 213, effective date Sep-

tember 11, 1951, OHIO GEN. CODE §§ 3639-1 and 4366-12a (enacted).]

**INJUNCTIONS** — gambling establishments are made common nuisances.

See Gambling establishments, this index.

**INSOLVENTS**, commissioner of, discontinued.

Thirty five antiquated sections of the Ohio General Code providing for the appointment and functions of a commissioner of insolvents have been repealed. [Amended Senate Bill No. 245, effective date September 7, 1951, OHIO GEN. CODE §§ 11146 to 11180 both inclusive (repealed).]

**INSURANCE** — minor's contract for.

With respect to insurance issued on the life of any minor, regardless of the minor's age at the date of the issuance of the insurance, for the benefit of the minor or other specified persons, such minor is held to be competent to contract for the insurance or to make any policy change or give any discharge necessary, provided he is at least fifteen years of age on the date he enters into such contract or contracts to buy the insurance, make a policy change or give a discharge. Previously, the minor was held to be competent to make a policy change or give a discharge only if he were at least fifteen years of age at the date of the issuance of the policy. [Amended House Bill No. 464, effective date September 17, 1951, OHIO GEN. CODE § 9392-1 (amended).]

**INSURANCE** — licensing of citizens to obtain insurance in unauthorized companies.

Citizens of Ohio may be licensed by the superintendent of insurance to negotiate for and obtain insurance, other than life insurance, on property or persons in Ohio in insurers not authorized to transact business in Ohio. Any person not so licensed who takes or receives any application for such insurance or collects a premium for any unauthorized insurance company may be punished by a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the penitentiary not to exceed one year, or both. Such a licensee must, before binding, issuing or delivering any such insurance, file with the superintendent of insurance his own affidavit and the affidavit of the insured to the effect that the insured is unable to procure the insurance from companies authorized to do business in Ohio. Each such licensee must keep a separate account of business done under his license, a copy of which must be

filed with the superintendent of insurance on issuing any policy under the license. The bond required of the licensee must now be deposited with the superintendent of insurance and kept in his office. [Amended House Bill No. 568, effective date September 7, 1951, OHIO GEN. CODE §§ 660 to 664 inclusive (amended).]

**INSURANCE** — provisions for group life insurance are extended.

The definition of group life insurance is extended to include a number of provisions and plans previously not included in Section 9426-1 of the General Code. Numerous changes in the laws regulating group life insurance are made. [Amended Substitute House Bill No. 337, effective date September 11, 1951, OHIO GEN. CODE §§ 9426-1, 9426-2 and 9426-3 (amended).]

**INSURANCE, SUPERINTENDENT OF** — authorized to secure information with respect to the valuation of securities of life insurers.

The superintendent of insurance is authorized to cooperate with other states in defraying the expenses of the committee on valuation of securities of the national association of insurance commissioners, which committee in turn furnishes to the states on a uniform basis reports and information relating to the valuation of securities held by life insurance companies licensed to transact business within the states. The Act provides that the superintendent shall assess on a pro rata basis the cost of such service upon the domestic life insurers, and pay the proceeds of such assessment into a special fund in the state treasury, viz., "the superintendent of insurance security valuation expense fund," from which fund he shall make disbursements to fulfill the obligations to the committee. [Amended Senate Bill No. 209, effective date September 7, 1951, OHIO GEN. CODE § 657-2 (enacted).]

**INSURANCE COMPANIES** — annual report.

It is no longer necessary for insurance companies, in submitting their annual report required by virtue of Section 9590 of the General Code, to include the number of policies, the amount insured under these policies, or the amount of premiums received thereon. The Act also provides that fire insurance companies may, for purposes of reinsurance, maintain a sum equal to fifty per cent of the whole amount of premiums, received and receivable on unexpired risks and policies running one year or less from the date of the policy. On marine insurance, premiums on trip risks not terminated must be considered unearned. [Amended Senate Bill No. 274, effective date September 11, 1951, OHIO GEN. CODE § 9590 (amended) and OHIO GEN. CODE § 9607-24 (repealed).]



INSURANCE COMPANIES — regulation by superintendent of insurance.

This Act enacts supplemental Sections 668-1, 668-2 and 668-3 relative to the regulation of stock ownership, interlocking directors and common management of insurance companies. The Act permits these activities provided that by reason thereof "the business of insurers shall not be conducted in a manner which substantially lessens competition generally in the business of insurance or creates a monopoly therein." The superintendent of insurance is empowered to hold hearings and to issue cease and desist orders where he finds violations of the Act. This legislation is similar to that which has been enacted in at least ten other states since the McCarran-Ferguson Act of Congress went into effect. 59 STAT. 33 (1945), 15 U. S. C. § 1011-15 (Supp. 1946). The plain purpose of the state legislation is to legalize activities which, except for the McCarran-Ferguson Act might be held to be violative of the Federal Antitrust laws. [Senate Bill No. 212, effective date September 13, 1951, OHIO GEN. CODE §§ 668-1, 668-2 and 668-3 (enacted).]

INTOXICATING LIQUORS — bond of class D-5 permit holders changed.

The holders of class D-5 permits were previously required to furnish a bond to the state of Ohio in the amount of one thousand dollars for all class D-5 permits. The Act requires a one thousand dollar bond for class D-5 permits with the provision that a permit holder holding more than one class C-2, D-2, D-3, D-3a or D-5 permit cannot be required to give more than one bond in the total sum of one thousand dollars. [House Bill No. 440, effective date August 28, 1951, OHIO GEN. CODE § 6064-18 (amended).]

INTOXICATING LIQUORS — privileges of class D-1 and D-2 permits changed.

The holder of a class D-1 permit may sell beer at retail in receptacles or in original packages containing not less than one container and in total quantities at each sale of not more than one hundred forty-four fluid ounces and not for consumption on the premises where sold. The previous maximum fluid quantity per sale was one hundred twenty-eight fluid ounces.

The holder of a class D-2 permit may sell ale and other malt liquors between the limits of 3.2 and seven per centum of alcohol by weight, and wine and bottled cocktails, cordials and other mixed beverages in packages containing not less than one container and in total quantities at each sale of not more than one hundred forty-four fluid ounces and not for consumption on the premises where sold. The previous maximum fluid quantity per sale was one hundred twenty-eight fluid ounces. [Amended House Bill No. 441, effective date August 28, 1951, OHIO GEN. CODE § 6064-15 (amended).]

INTOXICATING LIQUORS—reissuance of liquor permits to former servicemen.

The Act provides for the gratuitous reissuance of liquor permits to former holders thereof upon release from the military service of the United States under conditions other than dishonorable. [Amended Substitute House Bill No. 626, effective date August 10, 1951, (enacted).]

JURORS—attempting to influence.

See Obstructing justice, this index.

LEGAL NOTICES—provisions for publication.

Sections 5694 and 6252 of the General Code relating to the publication of legal notices in newspapers by the county auditor, treasurer, commissioners or probate judge concerning items of interest to the taxpayers, state that the newspapers must be of opposite politics. This Act provides that a newspaper independent in politics is considered a newspaper of opposite politics to a newspaper of designated political affiliation. [Amended Senate Bill No. 272, effective date September 7, 1951, OHIO GEN. CODE §§ 5694 and 6252 (amended).]

LICENSE fees for commercial fishing are changed.

See Commercial fishing, this index.

LICENSING of house trailer parks.

See House trailer parks, this index.

LICENSING of motor vehicles.

See Motor vehicles, this index.

LICENSING of real estate brokers and salesmen.

See Real estate license law, this index.

LISTED COMMODITIES—appointment of inspectors of.

Certain sections of the General Code, providing for the appointment by the probate judge of various inspectors of listed commodities, are repealed because antiquated, unnecessary, and presently ineffective. [Amended Senate Bill No. 146, effective date August 15, 1951, OHIO GEN. CODE §§ 5987, 5988, 5989, 5990, 5991, 5992, 5993, 5994, 5995, 5996, 5997, 5998, 5999, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6036, 6037, 6038, 6039, 6040, 6041, 6042, 6043, 6044, 6045,

6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6054, 6055, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6062-1, 6062-2, 6062-3, 6062-4, and 6063 (repealed).]

**LIVESTOCK** — certain livestock remedies exempted from registration requirements of the livestock remedy act.

Any biological product for use on or testing of any livestock or poultry, manufactured under license issued by the federal bureau of animal industry is not subject to the registration requirements of Section 1140-26 of the General Code. Any such products must be manufactured under the above mentioned license or a license issued by the director of the department of agriculture, or meet the requirements of the federal food, drug and cosmetic act to be lawfully sold in Ohio. After December 31, 1953, the present rotary fund shall cease to exist. All license fees and fines collected will then be deposited in the general revenue fund. [Amended House Bill No. 218, effective date September 7, 1951, OHIO GEN. CODE §§ 1140-25 and 1140-28 (amended); §§ 1140-25 and 1140-28 (repealed.)]

**LOCAL GOVERNMENT UNITS** may contract with private fire companies for fire protection.

Any township, village or city may now contract with, in addition to other townships, villages or cities, private fire companies for services of fire departments, the use of fire apparatus or for the interchange of the service of fire departments. Such contracts may not exceed a period of three years. County commissioners or the administrative head of any state institution, college or university may contract with, in addition to townships, cities or villages having fire departments, private fire companies for the services of fire departments. Such contracts may not exceed a period of two years. [Amended House Bill No. 533, effective date June 12, 1951, OHIO GEN. CODE § 3298-60 (amended).]

**LOCAL GOVERNMENT UNITS** may exceed ten-mill limitation by a vote of 60% of electors.

Under this emergency measure, effective March 29, 1951, the taxing authority of any subdivision other than a school district was authorized to declare, by a two-thirds vote of all its members, the *necessity* of levying taxes outside the ten-mill limitation for purposes specified in this Act and Ohio General Code Section 5625-15. It was required that the question be presented to the voters at the primary election of May 8, 1951. A favorable vote of sixty per cent of the electors voting on the proposition was required for approval. The levy might not be for a longer period than two years. Antici-

pation notes may be issued up to fifty percent of the estimated proceeds. A bill practically identical with this was passed by the 98th General Assembly. See Comment in 10 OHIO ST. L. J. 464 (1949). [Amended Substitute Senate Bill No. 31, effective date March 29, 1951.]

**LOCAL GOVERNMENT UNITS** may grant funds to symphony associations.

The board of education of any city or the city itself is authorized to pay to any symphony association incorporated under the provisions of Sections 8623-97 to 8623-120 of the General Code, a sum not to exceed one-half of one cent on each one hundred dollars of the taxables of that city for the year prior to the payment. The payment cannot exceed twenty-five thousand dollars. The first payment may be made in 1952. All payments are conditioned upon the filing by the association of a resolution stating it has accepted all the provisions of the Act. These provisions give the payors the right to nominate members of the governing body of the association, and the right to require the orchestra maintained by the association to perform for the public benefit. [Amended Senate Bill No. 298, effective date September 11, 1951.]

**MECHANIC'S LIEN** — discharge of.

The Act provides for the complete discharge of a mechanic's lien if the property owner files with the county recorder notice to commence suit, properly endorsed, and a bond in favor of the claimant in double the amount of the claim, with sufficient surety. [Amended Substitute House Bill No. 418, effective date September 7, 1951, OHIO GEN. CODE § 8319 (amended).]

**MECHANIC'S LIEN** — rights of are extended.

The right of mechanic's lien, as provided for in Section 8310 of the General Code, is extended to include nurserymen. [Amended House Bill No. 271, effective date August 24, 1951, OHIO GEN. CODE § 8310 (amended).]

**MENTALLY DEFICIENT PERSONS** — referral for examination after conviction and before sentence.

By the provisions of Section 13451-20 of the General Code, it is mandatory upon the court to refer for examination for mental deficiency or psychopathic tendencies all persons convicted under Sections 12413, 12414, 12415, 12423-1, 13023 or 13043 of the General Code. The examination is conducted by the department of public welfare, and is to be completed before sentencing. In its discretion the court may refer any person convicted of any other felony except murder in the first degree where there has been no recom-

mentation of mercy. This Act extends this discretionary power to permit referral of any person convicted of a misdemeanor involving a sex offense, or in which abnormal sexual tendencies are manifested. The Act also gives the court discretionary power to postpone indefinitely the commitment of any person convicted of a misdemeanor who has been adjudged to be mentally deficient or a psychopathic offender. [Amended Senate Bill No. 265, effective date September 7, 1951, OHIO GEN. CODE §§ 13451-19, 13451-20 and 13451-22 (amended), OHIO GEN. CODE § 13451-21 (enacted).]

**MENTALLY DEFICIENT YOUTH** — special training.

Any person under twenty-one years of age who has been determined to be ineligible for enrollment in public school under the provisions of Sections 4848, 4849 and 4850 of the General Code, or if not of school age, to have an intelligence quotient below fifty, and who is determined by the divisions of mental hygiene to be capable of profiting by specialized training, may be admitted for special training in one of the training centers herein established. The commissioner of mental hygiene is empowered to establish such training centers in any county or district of the state, and to determine the portion of the cost which the local agency shall bear. The net cost to the state may not exceed \$200 per year for each mentally deficient youth trained, up to a limit of \$75,000 during the fiscal year of 1951-1952 and \$100,000 during the fiscal year of 1952-1953. [Amended Substitute Senate Bill No. 157, effective date September 13, 1951, OHIO GEN. CODE §§ 1890-7a to 1890-7e (enacted).]

**MILITARY FORCES** — organization of is changed and uniform code of military justice adopted.

The militia of the state of Ohio is divided into four classes, the national guard, the naval militia, the Ohio defense corps, and the unorganized militia. The organized militia consists of the national guard, the naval militia and the Ohio defense corps. The provisions of law applicable to the national guard are amended to apply to the organized militia, and the uniform code of military justice is made applicable to the organized militia. [Amended Substitute House Bill No. 379, effective date June 5, 1951, OHIO GEN. CODE § 5295-1 (enacted); §§ 28, 5176, 5178, 5180-3, 5186, 5199, 5204, 5206, 5207, 5208, 5209, 5209-1, 5210, 5211, 5212, 5214, 5221, 5224, 5225, 5226, 5227, 5233, 5234, 5235, 5236, 5238, 5242, 5265, 5267, 5273-2, 5276, 5297, 5298 5304, 5313, 12805, 12807 and 12808 (amended); and § 5207-1 (repealed).]

**MILITARY SERVICE** — persons to be restored to positions in public and private employment.

Persons who leave public or private employment on or after

June 27, 1950 to perform military duty, or who left prior to that date and were performing military duty on that date, and who are honorably discharged, shall be restored to their position or a like position upon application within ninety days after such discharge, and shall not be dismissed from such position without cause within one year after such restoration. Public employment includes employment by the state or any of its subdivisions or instrumentalities.

Public employees are granted leaves of absence for the purpose of being inducted for military duty, and must be reinstated in their positions if they are not accepted for military duty.

The provisions are also applicable to temporary or annual military training under the state militia or the armed forces of the United States and their reserve components.

Discrimination, because of membership therein, against members of the military services, including the state militia and the armed forces of the United States and the auxiliaries thereof, as well as such other services as are specified in Section 486-16a of the Ohio General Code, is prohibited. This provision is substantially the same as existing Section 5265 of the Ohio General Code.

The violation of any of the provisions of the act is a misdemeanor punishable by a fine not exceeding \$200 or imprisonment not exceeding 6 months, or both.

In case any private employer refuses to comply with the Act a person entitled to restoration may bring an action in the court of common pleas for specific enforcement and back wages. [Amended Substitute Senate Bill No. 216, effective date May 9, 1951.]

**MILK** — standards for manufacture and sale.

Minimum standards are established for evaporated milk, evaporated skimmed milk, plain condensed milk, sweetened condensed milk, plain condensed skimmed milk and sweetened condensed skimmed milk, and the ingredients contained in these products. The products must be labeled according to the provisions of this Act. For the first offense a fine of not less than \$50 nor more than \$100 shall be imposed and for subsequent offenses, a fine of not less than \$100 nor more than \$500 and imprisonment of not less than 10 days nor more than 30 days. [Amended Substitute Senate Bill No. 318, effective date September 7, 1951.]

**MINING** — terms defined — laws regulating oil and gas well drilling are changed.

The Act defines the terms "well," "prepared clay" and "rock sediment" as used in Sections 898 to 898-202 of the General Code. The chief, division of mines, is authorized to appoint additional

deputy oil and gas well inspectors. Numerous changes are made in the laws relating to the location, drilling and abandonment of oil, gas or test wells. [Amended House Bill No. 559, effective date September 1, 1951, OHIO GEN. CODE § 898-1a (enacted); §§ 898-4, 898-14, 898-19, 898-39, 898-179, 898-183 to 898-196, 898-198, 898-199, and 898-201 (amended); § 898-200 (repealed).]

**MOTOR CARRIERS**—privilege of interchange extended to irregular carriers.

The privilege of interchange between connecting carriers operating under joint rates had previously been extended solely to regular carriers. Irregular carriers may now take advantage of this privilege by filing an application with, and securing the permission of, the public utilities commission. [Amended Senate Bill No. 342, effective date September 7, 1951, OHIO GEN. CODE § 614-92a (amended).]

**MOTOR VEHICLES**—certificate of title law extended.

The Act brings within the purview of the certificate of title law all trailers and semi-trailers whose weight exceeds four thousand pounds. [Amended House Bill No. 473, effective date September 1, 1951, OHIO GEN. CODE § 6290-2a (amended).]

**MOTOR VEHICLES**—maximum dimensions—exceptions permitted and director of highways given regulatory powers.

Farm machinery and equipment are excepted from the provisions of Section 7248-2 of the General Code regulating the maximum widths and dimensions of vehicles upon the highways. Vehicles with dimensions exceeding the provisions of this section and not specifically excepted may move on the highways in conformity with rules which the director of highways is authorized to promulgate. Any person violating any such rule is guilty of a misdemeanor and subject to punishment under the provisions of Section 7250-1 of the General Code. [Amended Substitute House Bill No. 86, effective date August 3, 1951, OHIO GEN. CODE § 7248-2 (amended).]

**MOTOR VEHICLES**—preparation of license registration lists.

The director of highways is authorized to secure bids and contract for the preparation of lists of motor vehicle registration information. The successful bidder is required to furnish such lists free of charge to the bureau of motor vehicles, county sheriffs or chiefs of police in cities within Ohio, and is also authorized to sell any other lists. The registrar of motor vehicles formerly prepared such lists upon application by interested parties. [Amended House

Bill No. 475, effective date May 11, 1951 OHIO GEN. CODE §§ 6299 and 6299-1 (amended).]

**MOTOR VEHICLES** — registration and licensing of motor vehicles.

The registrar of motor vehicles is authorized to provide either one or two license plates, or a sticker or decalcomania to be used with the last plates issued as evidence of registration for the 1952 and 1953 license years. The registrar must furnish plates and additional insignia to applicants for registration whose vehicles were not registered in Ohio during the 1951 registration year. In the event of the loss or mutilation of the insignia or transfer of any license, the registrar must furnish a replacement insignia. No registrant, during the months of February and March of 1952 and 1953, need carry or display the certificate of registration as required by the General Code. [Amended Substitute Senate Bill No. 8, effective date May 24, 1951, OHIO GEN. CODE § 6290-1a (enacted).]

**MOTOR VEHICLES** — regulation of church buses.

The standards to be applied by the state highway patrol in certifying that a church bus is safe for operation as required in its owner's application for registration has been changed from compliance "with standard school bus regulations" to "such standards as shall be prescribed by the state highway patrol." [Amended Senate Bill No. 3, effective date September 10, 1951, OHIO GEN. CODE § 6292-3 (amended).]

**MOTOR VEHICLES** — regulation of trucks, trailers and other commercial vehicles.

The Act provides for more stringent regulation of truck loads. It provides for increased license fees, increased penalties for overloading, a fine or imprisonment for falsifying bills of lading, additional safety equipment, and notification to the permit holder of the arrest of his driver when a provision of the Act is violated. [Amended Substitute House Bill No. 267, effective date June 19, 1951, OHIO GEN. CODE §§ 7250-2, 7250-3 and 7250-4 (enacted); §§ 6290, 6292, 6309-2 and 7250-1 (amended).]

**MOTOR VEHICLES** — special license tags to be issued.

The Act provides for the issuance to any owner of a motor vehicle who is a resident of Ohio and who holds an official amateur radio station license special license plates upon which are to be inscribed, in lieu of numbers, the official amateur radio call letters assigned to him by the federal communications commission. It further provides for the issuance to any owner of a motor vehicle who is a resident of Ohio and who is licensed to practice medicine in



Ohio special license plates upon which is to be inscribed, in addition to the ordinary letters and numbers, the word "physician." [Amended House Bill No. 516, effective date September 17, 1951, OHIO GEN. CODE §§ 6294-3 and 6294-4 (enacted).]

**MUNICIPAL CORPORATIONS — classification of.**

The Act provides that no municipality shall have its classification as a village changed to that of a city by virtue of there being included in its census figures non-resident college or university students in attendance at an educational institution within the municipality. It also establishes a procedure by which a city may, after a federal census report indicates that such city will return to the status of a village, enumerate its own population for the purpose of continuing its status. [Amended House Bill No. 449, effective date June 7, 1951, OHIO GEN. CODE §§ 3497-1 to 3497-4 (enacted); §§ 3497 and 3498 (amended).]

**MUNICIPAL CORPORATIONS — primary elections.**

The unofficial preliminary figures of the 1950 federal census indicated that certain municipal corporations would require a change in the number of members of city councils. This Act provides for a primary election in such municipal corporations on the second Tuesday in September, 1951, rather than as provided in Section 4785-67 of the General Code. Such election shall be held in conformity with the census figures. [Amended Senate Bill No. 173, effective date May 25, 1951 (enacted).]

**MUNICIPAL CORPORATIONS — sale of property.**

See Personal property, this index.

**MUNICIPAL JAILS — maintenance allowance.**

The maintenance allowance for prisoners confined in a municipal jail is increased from forty to seventy-five cents a day. [Amended House Bill No. 299, effective date August 16, 1951, OHIO GEN. CODE § 4126 (amended).]

**MUNICIPAL TRANSIT SERVICE — requirements upon extension of operations.**

A city transit company, which extends its operations outside the municipal corporation in which it operates principally, does not have to file changes in time or service schedules as do motor transportation companies, even though such city transit company, by reason of its extension, is now classified as a motor transportation company. Also, such city transit company may replace any motor-propelled vehicle with another vehicle seating the same or

less number of passengers without payment of an additional tax during the current tax year. [Amended Senate Bill No. 260, effective date September 11, 1951, OHIO GEN. CODE §§ 614-93c and 614-94b (enacted).]

MUNICIPAL UNIVERSITIES may issue bonds to finance improvements.

Municipal universities may secure bonds issued for improvements and expansion by pledging revenues of the university other than taxes, except such taxes as are specifically allocated for such purposes by the municipality. These bonds may be issued in accordance with Article XVIII, Section 12 of the Constitution of Ohio which provides for the issuance of mortgage bonds for public utilities over the general limit of bonded indebtedness. These bonds are payable primarily from and secured by a first and exclusive lien on an irrevocable pledge of the gross receipts derived from the operation of the buildings and improvements for the construction of which the bonds were issued. If these gross receipts are inadequate, any other funds from sources, other than taxation, except such taxes as are specifically allocated for such purposes by the municipality may be used. [Amended Senate Bill No. 69, effective date July 25, 1951, OHIO GEN. CODE §§ 4003-3 and 4003-4 (amended).]

MUNICIPAL UNIVERSITY BONDS secured by taxes allocated to such purposes by municipality.

Municipal universities or colleges are authorized to issue bonds to pay the cost of constructing, enlarging or improving property. These bonds formerly were secured by a pledge of the gross revenues of that property and additionally secured by revenues of the university or college from sources other than taxation. This Act provides that taxes specifically allocated to such purposes by the municipality are additional security and also that the principal and interest on the bonds may be paid by such taxes should the gross revenues of the property be insufficient.

Such bonds may now be issued in accordance with the provisions of Article XVIII, Section 12 of the Constitution of Ohio which regulates the issuance of mortgage bonds for public utilities. [Amended Senate Bill No. 69, effective date July 25, 1951, OHIO GEN. CODE §§ 4003-3 and 4003-4 (amended).]

MURDER — error in definition of second degree corrected.

Section 12403 of the General Code defining murder in the second degree is amended to include within its exceptions not only Sections 12400, 12401, and 12402, but also Section 12402-1 of the General Code. This merely corrects an error in drafting. [Amended House Bill No. 53, effective date June 8, 1951, OHIO GEN. CODE § 12403 (amended).]

**NATURAL RESOURCES ACT — amended.**

This amendment provides a number of minor, administrative, fiscal and other changes to the Natural Resources Act (Amended Senate Bill No. 13, 98th General Assembly). The modifications and additions to the Act include changes in division titles within the Department of Natural Resources, the authorization of new fines for violations of certain provisions of the Act, the establishment of new and the reallocation or redefinition of old functions of the various divisions in the Department, the formulation of new procedures for the designation of forfeited lands for uses incident to the conservation of natural resources and public recreation, and the specification of additional requirements as to hunting, trapping and fishing. [Amended Substitute House Bill No. 387, effective date September 1, 1951, OHIO GEN. CODE §§ 471-1, 1393-1, 1433-b, 1434-1, 1441-1, 1447, 2457-7, 5751-1 and 5751-2 (enacted), §§ 154-6, 154-10, 154-10b, 412-24, 412-25, 412-26, 412-27, 412-28, 412-28a, 412-29, 412-31, 469-1, 472, 474-2, 474-3, 474-4, 475, 476, 478, 482, 1177-10a, 1177-10c, 1409, 1415, 1429, 1430, 1431, 1431-2, 1431-3, 1434, 1436-1, 1438-2f, 2450-2, 5554-1, 5554-2, 5554-3, 5554-4, 5554-7, 5625-5 and 5752 (amended), and §§ 473, 1417, 5728, 5729, 5730, 5731, 5732 and 5733 (repealed).]

**NOTARIES PUBLIC — court reporter can be appointed.**

The governor may appoint and commission as a notary public, in addition to those persons now provided in Section 119 of the General Code, any certified official stenographic reporter of a court of common pleas. [Amended House Bill No. 70, effective date August 8, 1951, OHIO GEN. CODE § 119 (amended).]

**OBSOLETE LAWS REPEALED — strays and drifts.**

This Act repeals sections of the General Code which are antiquated and presently ineffective in providing for strays and drifts. [Amended Senate Bill No. 145, effective date August 15, 1951, OHIO GEN. CODE §§ 14954, 14955, 14956, 14957, 14958, 14959, 14960, 14961, 14962, 14963, 14964, 14965, 14966, 14967, 14968, 14969, 14970, 14971, 14972, 14973, 14974, and 14975 (repealed).]

**OBSTRUCTING JUSTICE — definition broadened and penalty increased.**

The penalty for attempting to influence jurors, witnesses, or officers of court or otherwise attempting to impede justice is increased to a fine of not more than \$1000 or imprisonment in the county jail for not more than six months or imprisonment in the penitentiary from one to three years or both such fine and imprisonment. The section now includes persons whose names have been drawn for jury service as well as jurors. [House Bill No. 80, effective date August 4, 1951, OHIO GEN. CODE § 12866 (amended).]

OHIO PROGRAM COMMISSION — organization and powers of.

This Act makes minor changes in the internal organization of the Ohio Program Commission and gives the Commission the power to create separate committees to study subjects authorized by the Commission. The Commission also may enforce the attendance and testimony of witnesses and the production of books and papers. [Amended Senate Bill No. 327, effective date September 10, 1951, OHIO GEN. CODE §§ 376 and 377 (amended).]

OHIO RURAL REHABILITATION CORPORATION — disposition of assets.

The director of agriculture is designated as the state official to make application to and to receive from the Secretary of Agriculture of the United States the assets of the dissolved Ohio rural rehabilitation corporation, pursuant to the provisions of Public Law 499 of the 81st Congress. Such assets are to be paid into a fund to be known as the "Ohio farm loan revolving fund," to be used for state rural rehabilitation purposes. [Amended House Bill No. 63, effective date May 25, 1951.]

OHIO STATE FAIR — financing by rotary fund extended.

The provisions of Section 1094 of the General Code providing for the financing of the Ohio State Fair are extended to December 31, 1953. The General Assembly in its 1953 session is again directed to supplement the "state fair rotary fund" by appropriation. [Amended Senate Bill No. 38, effective date August 8, 1951, OHIO GEN. CODE § 1094 (amended).]

OIL AND NATURAL GAS — powers of companies transporting — companies transporting coal included.

Certain sections pertaining to the powers of companies transporting oil or natural gas by pipe line are amended to include companies transporting coal or its derivatives. [Amended Senate Bill No. 131, effective date August 24, 1951, OHIO GEN. CODE §§ 614-2, 5416, 10128, 10129, 10132, 10133 and 10134 (amended).]

OLD AGE PENSION LAW — various pecuniary limits are changed.

No person is now eligible for aid under the old age pension law unless his income is no more than \$720.00 per year and the net value of all his real property used as a homestead by him does not exceed \$6,000.00, or if married, the net value of such combined property of husband and wife does not exceed \$6,000.00. The division of aid for the aged may, in unusual circumstances, waive the condition concerning property and fix a different maximum amount.

The maximum amount of aid payable to any recipient until June 30, 1951, is raised to \$55.00 per month and to \$60.00 per month

after July 1, 1951. The sum excepted from the preferred claim against the estate of a deceased person, who has received aid, for funeral and burial expenses is raised to \$300.00. Insurance held by a recipient in excess of \$300.00 is placed under the trusteeship of the division, and the maximum sum paid to defray the funeral and burial expenses of a recipient is raised to \$180.00.

The division may not accept any property in trust from the recipient, but aid paid to any such recipient constitutes a lien on all real property of the recipient or his or her spouse. [Amended Substitute House Bill No. 427, effective date June 11, 1951, OHIO GEN. CODE § 1359-4 (enacted); §§ 1359-2, 1359-3, 1359-7, 1359-7b and 13-59-10 (amended); and § 1359-6 (repealed).]

#### PARKING FACILITIES.

See Banks, this index.

#### PEDDLERS AND ITINERANT VENDORS — licensing of.

Twenty-five sections of the General Code providing for the licensing of peddlers and itinerant vendors which have been deemed antiquated and ineffective are repealed. [House Bill No. 219, effective date July 30, 1951, OHIO GEN. CODE §§ 6347, 6348, 6349, 6350, 6351, 6352, 6353, 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 13166 and 13167 (repealed).]

#### PENSIONS.

See Fireman's pension fund, this index.

#### PENSIONS to retired teachers increased.

See Teachers retirement laws, this index.

#### PERSONAL PROPERTY — sale of by municipal corporations.

Personal property not needed for municipal purposes having an estimated value of less than one thousand dollars may be sold by the board or officer having supervision thereof. If the estimated value of the property exceeds one thousand dollars, it may be sold only when authorized by an ordinance and approved by the board or officer having supervision thereof, and after the prescribed advertisement for bids has been complied with. It must be sold to the highest and best bidder. Council may, however, after finding that such property is unfit for public use and that the municipality has need of the same or similar kind of property, offer to sell the property and to have its selling price credited against the purchase price of such same or similar kind of property. Council, in advertising

for bids for the sale of new property to the municipality, may include in such bids notice of a desire to accept bids for the purchase of obsolete or unfit property with the amount of such bids to be subtracted from the selling price as a means of determining the lowest bidder. [Amended House Bill No. 327, effective date September 1, 1951, OHIO GEN. CODE § 3703 (amended).]

**PHARMACY, BOARD OF** — fees charged and collected by.

The Act increases the schedule of fees charged and collected by the state board of pharmacy for the issuance of a renewal or duplicate certificate to a pharmacist. [Amended House Bill No. 268, effective date September 8, 1951, OHIO GEN. CODE § 1311 (amended).]

**POLICEMEN AND FIREMEN** — qualifications for original appointment amended.

The maximum age requirement for an original appointment as a policeman, policewoman or fireman is extended from 29 to 31 years. The Act requires every applicant for original appointment as a fireman in a fire department whose employees are members of a fireman's pension fund, to be found physically fit by a doctor designated by the trustees of such fund. [Amended Substitute House Bill No. 35, effective date September 10, 1951, OHIO GEN. CODE §§ 486-10b and 486-10c (amended).]

**POOR RELIEF** — penalty for fraudulently obtaining is increased.

The penalty for fraudulently misrepresenting or concealing facts in order to obtain poor relief funds is increased to a fine of not more than \$500.00 or imprisonment for not more than three months, or both, if the total amount of relief so obtained is less than \$100.00, and a fine of not more than \$1000.00 or imprisonment from one to three years, or both, if the amount is more than \$100.00. [House Bill No. 88, effective date July 19, 1951, OHIO GEN. CODE § 3391-19 (amended).]

**PRINCIPAL** — death of affecting powers of an agent.

See Agency and powers of attorney, this index.

**PRISON LABOR** — use of on county roads.

See County roads, this index.

**PROCESS** — service of on a foreign corporation.

When the defendant, in an action accruing within the state, is a foreign corporation, service may be upon any officer or employee of the corporation, provided a true copy of the summons, with an

indorsement of the service upon the officer or employee, is sent to the corporation's last known address of its principal office by registered mail. [Amended Substitute House Bill No. 378, effective date September 7, 1951, OHIO GEN. CODE § 11290 (amended).]

**PUBLIC EMPLOYEES** — service in civil air patrol-coastal patrol qualifies former public employee to restoration of position.

The Act provides that persons in the public service who serve in the civil air patrol-coastal patrol are deemed members of the armed services for the purpose of restoration of their positions. The Act applies to all persons entering the armed services before the present emergency is terminated by the Congress or President of the United States. [Amended Senate Bill No. 324, effective date September 7, 1951, OHIO GEN. CODE § 486-16a (amended).]

**PUBLIC EMPLOYEES** — time for reinstatement in retirement system extended.

This Act extends, to November 30, 1953, the time in which a public employee who has forfeited his membership in the public employees retirement system and withdrawn his contributions may be reinstated. [Amended Senate Bill No. 282, effective date September 10, 1951, OHIO GEN. CODE § 486-47 (amended).]

**PUBLIC EMPLOYEES RETIREMENT ACT** — pensions of publicly-owned utilities employees.

Each township, county, municipality, park district, conservation district, health district, public library and metropolitan housing authority, and the State of Ohio as employers must pay to the employer's retirement accumulation fund a certain per centum of the compensation (up to \$3,000 per year) of each employee. The rates of such contributions are to be fixed by the retirement board.

If a publicly-owned utility became subject to this Act subsequent to July 1, 1938, and has adopted or hereafter adopts a pension plan for its employees prior to January 1, 1935 (while the utility was privately operated), and the amount equals that specified by this Act, the contribution rate of such utility is different from that assessed other employers within the Act. Upon adoption of this plan, an adjustment will be made for prior payments by such utility, after which the public employees retirement system has no further obligation to that utility's employees. [Amended Senate Bill No. 229, effective date June 12, 1951, OHIO GEN. CODE § 486-68a (amended).]

**PUBLIC EMPLOYEES RETIREMENT ALLOWANCES** are exempt from taxation by the state or political subdivisions.

See Taxation, this index.

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM** — certain rights and powers are revised.

Any public employee who has previously exempted himself from membership in the public employees' retirement system has the right to withdraw such exemption at any time and to make such payments as he would have made had he been a continuous member of the system. This right of withdrawal had previously been terminated on October 31, 1949. Until August 31, 1953, any member having reached the age of sixty-nine years or more may apply to be continued in service. This right had previously been terminated on June 30, 1950. Until June 30, 1953, any employer, as defined in the public employees' retirement system act, may employ superannuates i.e., those persons receiving retirement allowances under the provisions of Section 486-59, 486-60 and 486-61 of the General Code. This power had previously been terminated on September 1, 1948. [Amended House Bill No. 281, effective date June 11, 1951, OHIO GEN. CODE §§ 486-33a, 486-59 and 486-63b (amended).]

**PUBLIC LIBRARIES** — construction of new buildings and improvements.

Express authorization is given county budget commissions, when fixing the amount of proceeds of classified property taxes to be distributed to a board of public library trustees, to include therein funds for the construction of new library buildings, improvements of existing buildings and operation and maintenance notwithstanding the fact that alternative financial methods are available. This Act authorizes a board of library trustees to purchase on an installment basis or lease buildings and automobiles necessary for the operation of free public libraries. If a proposed building or improvement exceeds \$5000, the Act requires a competitive bidding procedure for contracts which the board must follow. [Substitute Senate Bill No. 185, effective date September 10, 1951, OHIO GEN. CODE, §§ 5625-24 and 7630 (amended), § 7630-2 (enacted).]

**PUBLIC THOROUGHFARES** — drivers of vehicles must yield right of way to blind pedestrians.

The driver of every vehicle must yield the right of way to every blind pedestrian guided by a guide dog or carrying a white cane in an extended position. A "blind person" is one who has no



more than 20/200 corrected visual acuity in the better eye with correcting lenses or whose widest diameter of the visual field is no more than a twenty degree angle. It is unlawful for a person other than a blind person to carry a white cane in an extended position on a public thoroughfare. [Substitute House Bill No. 75, effective date August 3, 1951, OHIO GEN. CODE §§ 6307-45a, 6307-45b, and 6307-45c (enacted).]

**PUBLIC UTILITIES — communication companies.**

In Amended Senate Bill No. 270, effective date September 29, 1949, Ohio General Code Sections 9170 and 9198, relative to the powers of and restrictions upon communications companies, were erroneously referred to as Sections 9170 to 9178. This error is corrected. [Senate Bill No. 218, effective date August 17, 1951, OHIO GEN. CODE § 9191 (amended).]

**PUBLIC UTILITIES — definition clarified.**

The Act provides that any person, firm, co-partnership, joint stock association or corporation that is engaged in a business in which the supplying of water transportation to others is incidental is not a "water transportation company" as defined in Sections 5415 and 5416 of the General Code. [Amended Senate Bill No. 328, effective date September 10, 1951, OHIO GEN. CODE § 5416-1 (amended).]

**PUBLIC UTILITIES — non-profit telephone companies.**

All non-profit telephone companies are now considered to be public utilities within the jurisdiction of the public utilities commission of Ohio. [Amended House Bill No. 406, effective date September 7, 1951, OHIO GEN. CODE § 614-2a (amended).]

**PUBLIC UTILITIES COMMISSION — additional assessment to be made for the support of.**

An additional sum of \$175,000 per year for the years 1951, 1952, 1953 and 1954 will be assessed against the railroads and public utilities in proportion to their intrastate gross earnings for the year next preceding the assessment. This sum will be used for the sole purpose of maintaining and administering the public utilities commission of Ohio. [Amended Substitute House Bill No. 146, effective date September 7, 1951, OHIO GEN. CODE § 606-1 (enacted).]

**PUBLIC UTILITIES COMMISSION may grant privilege of interchange to irregular carriers.**

See Motor carriers, this index.

PUBLIC WELFARE, DIRECTOR OF — residence of superintendents, wardens, and matrons.

The director of public welfare is granted the power to require the residence of superintendents, wardens, and matrons at their respective institutions. [Amended Substitute Senate Bill No. 228, effective date September 11, 1951, OHIO GEN. CODE § 1844 (amended).]

PUBLIC WORKS, DEPARTMENT OF — powers and duties of.

Unless otherwise specified, all powers and duties imposed upon officers of the department of public works will be construed as vested in the department of public works. The department also has the power: to prepare plans, estimates etc., for any project authorized by legislative appropriation if the construction of such project is a statutory duty of the department; to supervise all construction for the state; to contract for and supervise all construction and repair of buildings and projects under the control of the state except those controlled by the department of public welfare, and educational and benevolent institutions; to acquire all real estate required by the state government; to erect and maintain all public monuments if not otherwise provided by law; to lease or grant easements for unproductive land under control of the state, not to exceed 15 years; to lease and supervise storage and office space for the state; to exercise general custodial care of all real property of the state; and to assign and group together state offices within a city and to establish rules governing requirements for office and storage space. This section does not interfere with the power of the adjutant general over military affairs or the power of the director of highways in connection with the highway system.

Purchases for and the custody and repair of buildings under the management and control of the department of public welfare and buildings of educational and benevolent institutions are not subject to the control of this department. The department does have the power of control and supervision of fixing and placing all departments and offices of the state located outside the state house. [Amended Senate Bill No. 188, effective date September 7, 1951, OHIO GEN. CODE §§ 154-40 and 154-41 (amended).]

PUBLICATION of legal notices.

See Legal notices, this index.

QUARANTINE AND ISOLATION — communicable diseases.

The provisions relative to the isolation and quarantine of persons exposed to or suffering from communicable diseases are re-

vised, but with only minor substantive changes. The language is now explicit in restricting the person exposed to or suffering from the disease to the isolated or quarantined premises.

The enumeration of various communicable diseases is abandoned, and the power to determine what diseases are communicable and what action is to be taken is delegated to the state department of health as final authority. [Amended Senate Bill No. 73, effective date August 10, 1951, OHIO GEN. CODE §§ 4429, 4430, 4437, and 4440 (amended) and §§ 4429-1 and 4429-2 (enacted).]

**REAL ESTATE LICENSE LAW** — regulations governing the licensing of brokers and salesmen are changed.

The compensation for members of the state board of real estate examiners is increased to \$25 for each day employed but not to exceed \$2,500 for any calendar year, plus expenses. The board has the same power as is vested in justices of the peace, to administer oaths and to subpoena witnesses and documents, and to testify in relation to matters within its jurisdiction. The fee required in order to take the real estate broker's examination, which includes the license for the first year if the examination is passed, is \$25. An applicant to be eligible to take the examination must either (1) have had one year's experience full time in the real estate business or (2) have been associated for one year as a salesman with a licensed broker and have had sufficient experience as a licensed salesman to satisfy the board or (3) have passed a real estate course at a recognized educational institution or (4) have had other real estate experience equivalent, in the discretion of the board, to a real estate course.

The fee required in order to take a salesman's examination, which includes the license if the examination is passed, is \$15. No broker's license will be issued until the grantee files a \$5,000 bond with such security as the board requires. The fee for renewal of a license is \$10 for a broker's license and \$5 for a salesman's license. The fee for transferring a salesman's license is \$5. [Amended Senate Bill No. 33, effective date September 11, 1951, OHIO GEN. CODE § 6373-27a (enacted); §§ 6373-27, 6373-29, 6373-30, 6373-32, 6373-35 and 6373-39 (amended).]

**RECORDER** — fees for recording instruments.

The fees for recording deeds, mortgages, and other instruments of writing are raised. [Amended Senate Bill No. 263, effective date September 7, 1951, OHIO GEN. CODE § 2778 (amended).]

**RECORDING FEES** which county recorder is entitled to charge are changed.

The county recorder shall be entitled to charge the following fees in respect to chattel mortgages, instruments for conditional sales, etc: For filing and canceling an instrument or copy, fifty cents; for attaching to a filed instrument any document, twenty-five cents; and for other services the amount provided by law for such services. Upon receipt of the proper authority he must, without further charge, cancel any of the above filed instruments. [Amended Senate Bill No. 247, effective date September 7, 1951, OHIO GEN. CODE § 8572 (amended).]

**RECORDS** and reports of building and loan associations.

See Building and loan associations, this index.

**RECORDS** — state, county and city, destruction of.

The state records commission may order the destruction or other disposition, at any time, upon application by a state agency concerned, of any state record, document, plat, court file, paper or instrument in writing that has been photographed or microfilmed under the procedure prescribed by Ohio General Code Section 32-1. The former time limitations upon the destruction of such records are removed entirely.

County and city records commissions, hereby created, are given the same powers to destroy county and city records, respectively, as is given the state records commission in disposing of state records. [Amended Substitute Senate Bill No. 44, effective date September 11, 1951, OHIO GEN. CODE § 32-1 (amended), §§ 1465-119, 1465-120 and 1465-121 (enacted).]

**REFEREES** — appointment of by probate court.

A probate court may refer a case to referees. In counties having a population of two hundred thousand or less, the probate court may appoint not more than one of its deputy clerks, who is an attorney, to act as a referee. In counties having a population in excess of two hundred thousand, the probate court may appoint such number of its deputy clerks as are necessary, who are attorneys, to be general referees. The court must require each general referee to execute a bond with approved surety. The probate court may direct a reference to such general referees in any case, with or without the consent or agreement of the parties. Previously, the consent of the parties was required. [House Bill No. 272, effective date September 7, 1951, OHIO GEN. CODE § 11483 (amended).]

**REMOVAL** of public officers by governor.

See Governor, this index.

REPORTS by insurance companies.

See Insurance companies, this index.

REPOSSESSION under conditional sale — refund required.

See Conditional sales, this index.

RETIREMENT SYSTEM for public employees — reinstatement in.

See Public employees, this index.

REVENUE BONDS — extension of purpose for which a county may issue.

A county may, in order to acquire, construct, own, lease or operate airports, issue revenue bonds beyond the general limit of bonded indebtedness providing they are secured only by a pledge of and a lien on revenues derived from the airport and the covenant of the county to maintain charges sufficient to produce adequate revenue. These bonds shall be negotiable and must not pay in excess of 6% interest per annum. [Amended Senate Bill No. 76, effective date September 13, 1951, OHIO GEN. CODE § 2293-16a (amended).]

REVENUES received from federal government in lieu of real property taxes — distribution governed.

Lands owned by the federal government which are removed from the tax duplicate of a county by Act of Congress June 28, 1938, 52 STAT. 1215, are not subject to taxation by the county. The federal government, however, makes payments to the county in lieu of the general real property taxes. Formerly there were no requirements as to how these payments were to be distributed by the county commissioners. This Act provides that such payments shall be distributed to the taxing districts adversely affected by the removal of the lands from the tax duplicate, in proportion to the loss suffered by each district. [Amended Senate Bill No. 6, effective date June 28, 1951, OHIO GEN. CODE § 5625-10a (enacted).]

SABOTAGE — penalties prescribed for.

The Act makes it a felony to maliciously, with intent to cause damages or injury to persons or public or private property, tamper with or destroy certain types of communication or utility facilities. A person found guilty of such an act may be fined not more than ten thousand dollars or imprisoned in the penitentiary for not less than one year nor more than twenty years, or both, and if such act directly contributes to the death of any person, the person responsible may be fined not more than ten thousand dollars or im-

prisoned in the penitentiary for not less than five years nor more than ninety-nine years, or both. [Amended House Bill No. 444, effective date August 24, 1951, OHIO GEN. CODE § 12401-1 (enacted).]

**SALARIES** — prior increases for certain state officials extended.

This emergency Act extends to June 30, 1953, the effective dates of the temporary provisions in Sections 486-4, 871-4, 1464-8, 2250 and 6064-5 of the General Code, thus continuing the salary increases of the affected public officials until that date. [Substitute Senate Bill No. 32, effective date February 9, 1951, OHIO GEN. CODE §§ 486-4, 871-4, 1464-8, 2250 and 6064-5 (amended).]

**SALARIES** of certain state officials increased.

This Act amends eighteen sections of the General Code which fixes salaries and per diem allowances of numerous state officials. The adjustments are upward in all cases. [Amended Senate Bill No. 365, effective date September 18, 1951, OHIO GEN. CODE §§ 50, 270-6, 871-4, 1081-4, 1082-3, 1083-5, 1234, 1264, 1295-26, 1297, 1317, 1334-2, 1335-3, 1347, 1465-44a, 2209-6, 2248 and 2312 (amended).]

**SALARIES** of county officials are increased.

The salaries of the county coroner, county auditor, county treasurer, county clerk of courts, county sheriff and county recorder are increased. The salaries of these county officers are in lieu of all fees, allowances and other perquisites which such officers may collect and receive except such compensation as provided by Senate Bill No. 22 passed by the General Assembly and effective August 17, 1951.

Similarly, the salaries of the county commissioner, county prosecuting attorney and county engineer are increased. [Amended Substitute House Bill No. 560, effective date September 8, 1951, OHIO GEN. CODE § 2996-1 (enacted); §§ 2855-3, 2990, 2991, 2993 to 2996, 3001, 3003 and 7181 (amended); §§ 2855-3a, 2990-1, 2991-1, 2993-1, 2994-1, 2995-1, 3001-1, 3003-1, and 7181-1 (repealed).]

**SALARIES** of school teachers.

See Teachers minimum salary schedule, this index.

**SALARIES OF JUDGES** — additional compensation.

The compensation of common pleas judges in addition to the salary allowed by Section 2251 of the General Code has been raised to twelve cents per capita for the first twenty-five thousand of the population of the county, and to six cents per capita for the population of the county in excess of twenty-five

thousand. This additional annual compensation may not exceed nine thousand dollars. The additional salary provided for when the probate court and common pleas courts have been combined has been raised from five hundred dollars to two thousand dollars. [Amended Substitute House Bill No. 332, effective date September 14, 1951, OHIO GEN. CODE §§ 2252, 2252-1 (amended); § 2251-1 (repealed).]

#### **SALARIES OF JUDGES are increased**

Salaries of the judges of the common pleas courts, the court of appeals, and the supreme court are raised. [Amended Substitute House Bill No. 288, effective date September 18, 1951, OHIO GEN. CODE § 2251 (amended).]

#### **SAVINGS SOCIETIES — investment of funds.**

Any savings society incorporated previous to or after the effective date of the Act under Sections 710-148a to 710-148k, inclusive, of the General Code, is authorized to invest in a limited amount of assets, other than corporate stocks. [Amended House Bill No. 373, effective date September 12, 1951, OHIO GEN. CODE § 710-148d-4 (enacted).]

#### **SCHOOL BUILDINGS — state financial assistance for repairing, improving, remodeling or equipping.**

The state will no longer provide financial assistance for construction of schools to school districts where local tax resources are inadequate to provide essential school facilities, but will continue to do so for repairing, improving, remodeling or equipping existing school plants, where the city, exempted village or local school district has a tax valuation of less than \$8,000 per pupil in average daily attendance and meets the other requirements of Section 4848-11 of the General Code. Formerly, the school district needed a tax valuation of less than \$6,000 per pupil to qualify for such state aid. [Amended Senate Bill No. 160, effective date September 17, 1951, OHIO GEN. CODE § 4848-11 (amended).]

#### **SCHOOL BUSES — exempt from license tax only when painted and marked as prescribed.**

School buses, in order to be exempt from the annual license tax, must be painted national school bus chrome number 2 and marked as required by Section 6307-2 of the General Code. [Amended House Bill No. 150, effective date July 30, 1951, OHIO GEN. CODE § 6295-1 (amended).]

**SCHOOL DISTRICTS** — maximum limit of bonded indebtedness is temporarily increased.

On or before December 31, 1953, the net indebtedness of a school district which may be imposed by popular vote with the consent of the Department of Taxation is increased from six per cent to eight per cent. Bond issues which would make the net indebtedness of any district more than six per cent must be approved by the Department of Education which must determine that the proceeds are needed for the acquisition of sites and equipment or the construction of permanent improvements. [Amended House Bill No. 30, effective date February 23, 1951.]

**SCHOOL TEACHERS** — employment.

An assistant county superintendent or county supervisor employed by a county board of education on a part-time basis may also be employed by a local board of education as a teacher. Upon recommendation of the county superintendent, a local board of education may designate a principal as executive head of the schools, in lieu of a superintendent, for a period of twelve months. [Amended House Bill No. 225, effective date August 17, 1951, OHIO GEN. CODE § 4842-1 (amended).]

**SEARCH WARRANTS** — issuance.

The judge of a court, within his jurisdiction, is again empowered to issue a search warrant irrespective of whether there is a magistrate so empowered within the municipality or township. The provisions of General Code Section 13430-1 as it existed before amended by Amended Senate Bill No. 138, effective date August 18, 1943, is re-enacted in substantially the same form. [Amended Senate Bill No. 151, effective date August 16, 1951, OHIO GEN. CODE § 13430-1 (amended).]

**SERUM INSTITUTE** — control of transferred and functions broadened.

The facilities of the state serum institute under the control of the Ohio agricultural experiment station for research in the diseases of animals and poultry are now placed under the direct control of the Ohio department of agriculture to be used in the pursuance of any function within the purview of any law administered by the department of agriculture. Laboratories must be established at the experiment station to continue the research in the diseases of animals and poultry, and the equipment of the serum institute used for this purpose prior to the effective date of this Act may be incorporated in such laboratories. [Amended Substitute House Bill No. 393, effective date June 1, 1951 (enacted).]



**SOIL CONSERVATION DISTRICTS** — funds may be provided for.

The county commissioners of a county in which there is a soil conservation district are empowered to create a special fund for the conservation district from tax proceeds or from the general fund of the county. The supervisors of the district are authorized to employ assistants and to purchase necessary equipment from the special fund so created. The county prosecuting attorney shall be the legal counsel of a soil conservation district within the county. [Substitute House Bill No. 116, effective date September 7, 1951, OHIO GEN. CODE §§ 375-19a, 375-19b, and 375-19c (enacted).]

**SOLDIERS' RELIEF COMMISSION** — to include a member of AMVETS.

The soldiers' relief commission of each county is composed of five members one of whom must be an honorably discharged veteran of World War II. At the expiration of this member's term his successor is to be, wherever possible, a member of the AMVETS. [Amended House Bill No. 600, effective date August 15, 1951, OHIO GEN. CODE § 2930 (amended).]

**STATE EMPLOYEES**

The Act standardizes and classifies the various positions, titles, classes, salaries and wages of employees in the state service. [Amended Substitute House Bill No. 450, effective date June 13, 1951, OHIO GEN. CODE §§ 486-7a to 486-7d (amended).]

**SUBVERSIVE ACTIVITIES COMMISSION** established.

An interim Un-American Activities Commission is established, composed of members of the House and Senate, to investigate and prepare legislation relating to subversive activities in the state of Ohio. [Amended Senate Bill No. 358, effective date June 18, 1951, OHIO GEN. CODE §§ 76-28 through 76-35 (enacted).]

**SUMMONS** — service of upon foreign corporations.

See Process, this index.

**SYMPHONY ASSOCIATIONS** may be publicly financed.

See Local government units, this index.

**TAXATION** — classification of personalty.

All engines, machinery, tools, implements and other equipment used in radio and television broadcasting, by this amendment, is to be listed and assessed at fifty per centum of its true value. This property is therefore not subject to an assessment of seventy per centum as formerly. [Senate Bill No. 333, effective date September 17, 1951, OHIO GEN. CODE § 5388 (amended).]

**TAXATION** — counties may exceed ten-mill limitation to provide current expenses for general health districts.

If the amount necessary to meet the current expenses of a general health district for the next fiscal year will not be available out of the district health fund because the taxes to be raised during the next year within the ten-mill limitation will be insufficient, the board of health of such district must certify such fact to the county commissioners of that county who are ordained to be a special taxing authority for a special levy outside the ten-mill limitation. Upon receipt of such certification, the county commissioners must declare the necessity of levying a tax in excess of such limitation. Such a levy may not exceed five-tenths of a mill, must be submitted to the electors of the health district at a general election and, if approved, may not be for a longer period than one year.

If the budget commission finds such a levy to have been properly authorized, it must approve such levy without modification. [Amended Substitute House Bill No. 504, effective date September 10, 1951, OHIO GEN. CODE § 1261-40a (enacted); § 5625-23 (amended).]

**TAXATION** — delinquency penalty discount discontinued.

Section 5679-1 relative to discount of penalty on delinquent taxes has been repealed. [Amended Senate Bill No. 231, effective date September 13, 1951, OHIO GEN. CODE § 5779-1 (repealed).]

**TAXATION** — distribution of tax receipts to subdivisions.

The monies received in the state treasury under the provisions of Sections 5546-1 to 5546-24c inclusive, of the General Code, are to be credited to the "local government fund" in the amount of twelve million dollars for the year beginning July 1, 1951, and eighteen million dollars for the year beginning July 1, 1952. It is estimated that, exclusive of the educational bequests and miscellaneous and student fees from the six state universities, the net revenues to accrue to the general revenue fund for the year 1950-51 are \$260,357,000.00. The Act provides that if the net actual collection of revenues during the year 1950-51 exceeds the total of the estimated amount, the excess is to be distributed in specified proportions to the local government fund and to the city, exempted village and local school districts. There is also appropriated out of any monies in the general revenue fund, not otherwise appropriated, a sum equal to 30% of the above described excess to the credit of the local government fund. [Amended Substitute House Bill No. 605, effective date June 13, 1951, OHIO GEN. CODE §§ 5546-18 and 5546-20 (amended).]

**TAXATION** — exemption from taxation upon certain property used exclusively for public purposes.

Section 5351 of the General Code provides that certain property used exclusively for public purposes is exempt from taxation when the current and delinquent taxes thereon have been paid. This amendment now provides that the exemption applies if the delinquent taxes and penalties are remittable by the board of tax appeals as provided in Section 5570-1 of the General Code. [Amended Senate Bill No. 251, effective date September 7, 1951, OHIO GEN. CODE § 5351 (amended).]

**TAXATION** — forfeiture for failure to pay house trailer tax increased — civil action to collect such tax to be brought by county auditor.

The forfeiture for the failure to pay the tax levied on house trailers is increased from five to fifty dollars. The county auditor of a county in which a violation occurs is given the power to institute a civil action in his own name to enforce the collection of unpaid taxes. [Amended Senate Bill No. 332, effective date June 9, 1951, OHIO GEN. CODE § 6292-2 (amended).]

**TAXATION** — gasoline tax excise fund — use by county broadened.

A county may now use its share of the gasoline tax excise fund for the purchase, installation and maintenance of traffic signal lights. [Amended Senate Bill No. 159, effective date September 7, 1951, OHIO GEN. CODE § 5537 (amended).]

**TAXATION, INHERITANCE** — appointment of agents.

Section 5348-2b of the General Code, empowering the tax commissioner to appoint certain agents in inheritance tax matters, which expired on March 1, 1951, is re-adopted and made permanent law. [Senate Bill No. 22, effective date August 17, 1951, OHIO GEN. CODE § 5348-2b (amended).]

**TAXATION** — local government units may exceed ten-mill limitation by vote of 55% or 60% of electors.

From June 12, 1951, to December 31, 1952, the taxing authority of any subdivision other than a school district may declare the necessity of levying taxes outside the ten-mill limitation for any of the purposes enumerated in Section 5625-15 of the General Code or to supplement appropriations for relief, welfare, hospitalization, health, and support of general or tuberculosis hospitals. The question may be submitted to the voters at a general, primary or special election. Such a tax levy may be made upon the approval of

60% of the electors voting at a primary or special election or 55% at a general election. Anticipation notes may be issued in an amount up to 50% of the total estimated proceeds. [Amended House Bill No. 480, effective date June 12, 1951.]

**TAXATION** — retirement allowances exempt from state taxation and legal process.

Retirement allowances or pensions accruing under the Public Employees Retirement System Act or under any municipal retirement system established subject to the Act are exempt from taxation by the state or any of its political subdivisions and are not subject to legal process. [Amended Senate Bill No. 74, effective date September 8, 1951, OHIO GEN. CODE § 486-72 (amended).]

**TAXATION** — returns need not be sworn to.

This Act eliminates the requirement that tax returns and statements required by law to be filed with the department of taxation, the auditor of state, the treasurer of state, a county auditor, or a county treasurer be sworn to under oath. Such returns or statements shall contain the words, "I declare under penalties of perjury that this return (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete return and report," and shall be subscribed to by the person signing the return or statement. [Amended Substitute Senate Bill No. 295, effective date September 10, 1951, OHIO GEN. CODE §§ 1465-20, 5372, -2, -5, -6, 5411, 5414-4, 5421, 5449, 5462, 5470, 5496, 5529, 5546-12b and 6212-50 (amended), and § 5501 (repealed).]

**TEACHERS MINIMUM SALARY SCHEDULE** enacted and state aid to school districts increased.

A minimum salary schedule for teachers in public schools of the state is enacted as follows:

(1) Teachers with less than three years of recognized college training must receive a beginning annual salary of \$2,000 and an annual increase of \$100 for each of the first five years of service.

(2) Teachers with three years of recognized college training, but who have not received a bachelor's degree, must receive a beginning annual salary of \$2,200 and an annual increase of \$100 for each of the first five years of service.

(3) Teachers with a bachelor's degree from a recognized college must receive a beginning annual salary of \$2,400 and an annual increase of \$100 for each of the first five years of service.

(4) Teachers with a bachelor's degree from a recognized college and an additional year of recognized college training must re-

ceive a beginning annual salary of \$2,500 and an annual increase of \$110 for each of the first five years of service.

(5) Teachers with a master's degree from a recognized college must receive a beginning annual salary of \$2,600 and an annual increase of \$120 for each of the first five years of service.

Payments to school districts by the state under the foundation program act are increased to \$57 per pupil in grades 1 to 8, inclusive, \$28.50 per pupil in kindergarten classes, and \$67 per pupil in grades 9 to 12, inclusive.

To qualify for additional aid, a school district must now have a tax levy for current school operation of at least six mills during the calendar years 1951 and 1952, and of at least eight mills for 1953 and thereafter. Changes are made in the manner in which the amounts of additional aid are computed, and the amounts to be included in the school district's foundation program are increased for each pupil.

A school district which fails to pay its teachers in accordance with the state minimum salary schedule is not qualified for any aid under the foundation program act. [Amended Substitute House Bill No. 48, effective date June 29, 1951, OHIO GEN. CODE § 4848-4a (enacted) and §§ 4848-1, 4848-3 and 4848-4 (amended).]

#### TEACHERS RETIREMENT LAWS — amended.

This Act provides that members of the State Teachers Retirement System, who retired prior to June 30, 1947 must be given an additional basic annual pension equal to one hundred and eighty dollars, except that this additional pension must not exceed the sum of the annual benefits provided by other provisions of the Act. In order to qualify for this additional pension, the member must have ten or more years of total service credit excluding credit earned after June 25, 1945. [Amended Substitute Senate Bill No. 37, effective date September 17, 1951, OHIO GEN. CODE §§ 7896-35 and 7896-36 (amended).]

#### TOWNSHIP TRUSTEES — compensation of.

The compensation of township trustees is increased from three and one-half dollars to five dollars for each day of service in the business of the township. [Amended House Bill No. 363, effective date September 7, 1951, OHIO GEN. CODE § 3294 (amended).]

#### TOWNSHIP TRUSTEES — purchase of fire equipment.

Township trustees may, with the approval of the specifications by the prosecuting attorney, provide fire apparatus, mechanical resuscitators, or such other equipment as may seem to them to be advisable. The trustees may establish and maintain lines of fire

alarm communications within the limits of the township, and they are empowered to create fire districts of such proportions within the township as they deem advisable.

The council or legislative authority of any municipal corporation may purchase fire equipment and pay for it over a period of four years. The municipality is authorized to issue notes to cover such deferred payments, the interest on which must not exceed six per cent per annum. The amount of such purchases must not exceed \$20,000, one-fourth of which must be paid at the time of purchase. These provisions also apply to townships and to fire districts within a township. [Amended House Bill No. 244, effective date September 7, 1951, OHIO GEN. CODE § 3298-54 (amended).]

**TRAVEL EXPENSES** allowed for state examiners assigned to liquor control audits.

State examiners in the bureau of inspection and supervision of public offices assigned to liquor control audits shall be reimbursed for travel and other necessary expenses at rates set forth in the rules and regulations of the department of finance governing travel. [Amended Substitute Senate Bill No. 41, effective date September 7, 1951, OHIO GEN. CODE § 6064-10a (enacted).]

**TRUSTS** for employee benefit plans valid for any duration.

A trust of real or personal property created by an employer as part of one of the enumerated employee benefit plans is not invalid as violating the rule against perpetuities or any law restricting or limiting the duration of trusts. The accumulation of income from such trusts is also excluded from any time limitations imposed by law. The right to bring an action to declare such a trust invalid is continued for two years from the effective date of the Act. [Amended Senate Bill No. 42, effective date June 25, 1951, OHIO GEN. CODE § 10512-8a (enacted).]

**UNCLAIMED PROPERTY** — charges for storage may be paid out of proceeds from its sale.

Property impounded by the police force of a municipal corporation may be sold at public auction under the provisions of Section 4401 of the General Code. This Act provides that all expenses of storing the property and the costs of the sale must first be paid from the proceeds of the sale, provided that notice by registered mail of the sale has been given the owner and mortgagee, or other lien holder, at their last known address, thirty days before the date of the sale. [Amended Senate Bill No. 243, effective September 7, 1951.]

UNCLAIMED PROPERTY may be sold after ninety days.

The period of time after which unclaimed property may be sold at public auction by the chief of police, marshal or licensed auctioneer is reduced from one year to ninety days. [Amended House Bill No. 36, effective date September 7, 1951, OHIO GEN. CODE § 4401 (amended).]

UNIVERSITIES AND COLLEGES — trustees.

The board of trustees of a university or college which operates under the patronage of a religious conference or area may appoint a bishop or other presiding head of that religious conference or area an ex-officio voting trustee if such university or college has accepted the provisions of General Code Sections 9935, 9936, 9936-1, 9937 and 9937-a relating to the incorporation of educational institutions not for profit. The board of trustees of any such university or college may also appoint ten non-voting life trustees to their board at their own discretion. [Amended Senate Bill No. 180, effective date August 17, 1951, OHIO GEN. CODE § 9937-b (enacted).]

UTILITY EXCISE TAX extended.

The excise tax on the gross receipts of utilities and the excise tax on the portion of the capital stock representing the capital and property used in this state by sleeping car, freight line and equipment companies, which tax, by House Bill No. 246, approved May 1, 1947, as amended by Amended Substitute Senate Bill No. 51, approved April 14, 1949, expired with the year 1951, is extended to include the years 1952 and 1953. [Amended Senate Bill No. 135, effective date June 12, 1951.]

VETERANS of present emergency granted certain privileges.

Veterans of the present national emergency are granted veterans' preferences in civil service appointments, the right of admission to the Ohio Soldiers' and Sailors' Home and the renewal of trade or professional licenses. A member of the armed forces during the present national emergency is exempted from the requirements of law relative to obtaining hunting and fishing licenses. This exemption also applies to the obtaining of motor vehicle operator's licenses, provided the serviceman was a licensed operator at the time he entered active service. [Amended House Bill No. 46, effective date July 20, 1951, OHIO GEN. CODE §§ 486-13, 1909 and 6296-5 (amended) and § 1431-1 (enacted).]

The privilege of receiving additional credit of twenty percent of total score in civil service examinations is extended to veterans of the armed forces who served subsequent to May 1, 1949 and

prior to the cessation of armed conflict, occupation duty, or selective service, whichever is the later. [House Bill No. 212, effective date July 19, 1951, OHIO GEN. CODE § 486-10 (amended).]

Section 486-13a of the General Code, providing for restoration of civil service status to persons who served with the armed services, expired April 30, 1949. This Act substantially re-enacts the provisions of that section and will remain in effect until the present emergency is terminated.

Elective or appointive public officials serving fixed terms are now excluded from the provisions of Section 486-16a of the General Code, which provides for the restoration of office or position to persons who were in the armed services. Any person who is laid off as a result of such restoration is placed at the head of the appropriate classification list. Formerly this was left to the discretion of the civil service commission. Persons entering the armed services during the present emergency are now included within the provision of this section. [Substitute House Bill No. 50, effective date July 19, 1951, OHIO GEN. CODE § 486-16a (amended) and § 486-13a (enacted).]

Any teacher who enters the armed services of the United States within forty days after leaving a teaching position shall be re-employed under the same type of contract that he last held, provided he applies for re-employment within 90 days after discharge. The period in the service will count for the purposes of seniority and placement on the salary schedule. The board of education is authorized to suspend the contract of any teacher whose services become unnecessary because of the return of a teacher from the service. [Amended Substitute Senate Bill No. 16, effective date July 18, 1951, OHIO GEN. CODE § 4842-10a (enacted).]

The classification of persons entitled to apply for relief to the soldiers' relief commissions is extended to include the soldiers, sailors and marines of World War II or the Korean War and their wives, widows, needy parents, minor children and wards. [Amended Senate Bill No. 204, effective date April 6, 1951, OHIO GEN. CODE § 2934 (amended).]

**VETERANS' EMERGENCY HOUSING ACT**—duration of certain provisions extended.

The powers and duties of the county commissioners under the Veterans' Emergency Housing Act were to expire December 31, 1951. This Act extends the effective date of these provisions to December 31, 1953. [Amended Senate Bill No. 167, effective date July 25, 1951, OHIO GEN. CODE § 1078-69 (amended).]



**VITAL STATISTICS** — registration districts and appointment of registrars and sub-registrars.

For the purpose of registration of vital statistics, each health district in the state is designated a primary registration district, and the registrars are to be appointed by the board of health of such health district. The registrar of a primary registration district may appoint sub-registrars who may accept death certificates for filing and issue burial permits. [House Bill No. 42, effective date July 30, 1951, OHIO GEN. CODE § 1261-47a (enacted) and §§ 1261-46 and 1261-47 (amended).]

**WAREHOUSING** of grains on farms.

This Act repeals 44 sections of the General Code providing for the appointment of boards and inspectors to regulate the warehousing of grain on farms, which are deemed antiquated and presently ineffective. [Amended Senate Bill No. 148, effective date August 8, 1951, OHIO GEN. CODE §§ 1169-2 to 1169-45, inclusive (repealed).]

**WILBERFORCE UNIVERSITY** — state-supported college is separated — administrative changes made.

The College of Education and Industrial Arts at Wilberforce University is to be known as "Central State College" and certain changes are made concerning the administration of the College. This bill separates the state-supported school from Wilberforce University, which is supported by the A.M.E. church. [Amended Senate Bill No. 58, effective date August 7, 1951, OHIO GEN. CODE §§ 4862, 4862-1, 4862-6, 4862-7, 4862-10, 4862-11 and 4863a (amended) and §§ 4862-2 and 4862-5 (repealed).]

**WILD LIFE** — commercial propagation of pheasants.

This Act provides that the division of wildlife may issue licenses for the propagation of pheasants, to keep pheasants in captivity, or for the operation of a commercial pheasant-shooting preserve.

The holder of a license for the propagation of pheasants may raise in an enclosed area any number of pheasants and may sell them alive or kill and sell them for food at any time. Such licensee is required to band each pheasant with an identifiable tag supplied by the division and to keep complete records of all sales.

The holder of a license for the operation of a commercial pheasant-shooting preserve may authorize any duly licensed hunter to kill and take pheasants within the enclosed preserve without regard to number or sex from September first to the following March fifteenth. The licensee must liberate within the preserve

at least 500 pheasants banded with an identifiable tag during the above stated season. For every pheasant without a band shot within the preserve, the licensee must furnish the division with a live banded pheasant. It is further provided that only one such shooting preserve may be established in any one county and that no preserve shall exceed 500 acres. The fee for the license of a shooting preserve is 100 dollars per annum whereas a nominal fee only is required for the other licenses.

A non-banded pheasant may not be taken from any licensed area. No licensee shall sell without the state any live pheasants without first offering them to the division at a similar price. A fine of 50 to 200 dollars is provided for any violation of the Act.

Ohio General Code Section 1436, which provided for the licensing and regulation of the commercial propagation and selling of pheasants and mallard or black ducks, is amended to exclude pheasants from its purview. [Amended Senate Bill No. 360, effective date September 17, 1951, OHIO GEN. CODE § 1436 (amended).]

WRECKMASTERS — office repealed.

This Act repeals as antiquated and unnecessary the sections of the Ohio General Code which provide for the appointment of commissioners of wrecks in counties bordering on navigable waters. [Amended Senate Bill No. 147, effective date September 7, 1951, OHIO GEN. CODE §§ 6423 to 6441, both inclusive, (repealed).]